

STATE OF NEW MEXICO
LEGISLATIVE EDUCATION STUDY COMMITTEE

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MINUTES
LESC MEETING
SEPTEMBER 18-20, 2013

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:35 a.m., on Wednesday, September 18, 2013, at W.D. Gattis Middle School in Clovis, 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, and Mimi Stewart.

The following voting member of the LESC was not present:

Representative Sheryl M. Williams Stapleton.

The following advisory members of the LESC were present:

Senators Daniel A. Ivey-Soto, Linda M. Lopez, William P. Soules, and Pat Woods; and Representatives Nathan "Nate" Cote, James E. Smith, Christine Trujillo, and Bob Wooley.

The following advisory members of the LESC were not present:

Senators Jacob R. Candelaria, Lee S. Cotter, and John Pinto; and Representatives Alonzo Baldonado, George Dodge, Jr., David M. Gallegos, Stephanie Garcia Richard, Timothy D. Lewis, and Tomás E. Salazar.

Representative Anna M. Crook was also in attendance.

On a motion by Representative Hall, seconded by Representative Espinoza, the committee approved the agenda for the meeting.

WELCOME AND INTRODUCTIONS

The Chair recognized and thanked Mr. Raymond Mondragon, Economic Development and Governmental Affairs, Eastern Plains Council of Governments, for organizing the committee's interim meeting in Clovis. The Chair then recognized Mr. Len A. Vohs, Mayor Pro Tem for the City of Clovis; and Superintendent Terry Myers, Clovis Municipal Schools, who welcomed the committee to the city and the school district.

CLOVIS MUNICIPAL SCHOOLS: PROJECT UPDATES

The Chair recognized Superintendent Terry Myers, Clovis Municipal Schools, for a discussion of current activities in the district. Superintendent Myers then introduced members of the district staff, including: Ms. Cindy Martin, Deputy Superintendent of Instruction; Mr. Jody Balch, Deputy Superintendent of Operations; Mr. John King, Director of Operations; Ms. Shawna Russell, Chief Financial Officer; and Dr. Kerry Parker, Executive Director of Human Resources.

Emphasizing that district staff support a new system of evaluation for teachers and principals, Superintendent Myers expressed concern with the timeline for implementation. He noted that at the current time, the Public Education Department (PED) is asking schools across the state to train staff on the rubrics, the overall evaluation process, and a new online system. He stated, however, that even with a level of familiarity with the new system, there are still many questions that have not been answered by PED, many of the system's components have not been fully developed, and the department often provides only a week's notice of required trainings or report submissions. Because of the pace that PED has set, he emphasized, districts are going to be forced to implement a system for which teachers and administrators are not fully trained or prepared. To conclude, he reiterated the district supports a new evaluation system, but expressed concern with the implementation that is occurring at the same time that the district is dealing with a new A-F school grading system, the implementation of the Common Core State Standards, and new testing requirements.

Committee Discussion

The committee discussed the district's concerns. A committee member asked if other superintendents were in agreement with Superintendent Myers' concerns. Present in the audience and responding in the affirmative were: Superintendent Bill Green, Quemado Independent and Reserve Independent school districts; Superintendent Ted Trice, Grady Municipal Schools; Superintendent Jamie Widner, Melrose Public Schools; and Superintendent Paul M. Benoit, Floyd Municipal Schools. Another committee member commented that there are always problems with the implementation of new initiatives; however, in this instance no one is talking about throwing out any of the three initiatives, rather the discussions center on the importance of needed change in education.

K-12 ONLINE LEARNING POLICY

The Chair recognized Ms. Maria Worthen, Vice President for Federal and State Policy, International Association for K-12 Online Learning (*iNACOL*), for an overview of K-12 online learning policy trends.

Ms. Worthen explained that *iNACOL* is a nonprofit 501(c)(3) organization based in Washington, DC, that advocates for student-centered educational policies for learning models using online, blended, and competency-based education.

Referring to a committee handout, Ms. Worthen reported that:

- in school year 2009-2010, there were an estimated 1.8 million enrollments in distance-education courses in K-12 school districts, primarily at the high school level, with online enrollments in the categories of credit recovery (62 percent), dual enrollment (47 percent) and advanced placement (29 percent);
- in school year 2011-2012, approximately 275,000 full-time students were enrolled in full-time online schools;
- as of 2012, Florida is the first state to offer full- and part-time online options to all students in grades K-12;
- Utah, Florida, Idaho, Oklahoma, and Louisiana allow student to choose online courses from multiple content providers; and
- many states fund online learning at 30-50 percent less than traditional education, which creates inequity and lack of sufficient support for addressing student characteristics.

With specific reference to funding online learning, Ms. Worthen stated that in states where full-time online learning is permitted, funding is generally based on the number of students enrolled. For example, in:

- Arizona full-time online schools receive 95 percent of the base support level;
- Colorado multi-district full-time online schools are funded at a state-set, per pupil minimum level for online students;
- Florida full-time online schools receive funding for students based on successful completion;
- Indiana full-time online schools receive 87.5 percent of the typical funding level plus any special education grants, which are calculated the same as for traditional schools;
- Louisiana online schools receive 90 percent of the state and local funding based on where the student resides;
- Nevada virtual schools receive the same level of funding as “brick-and-mortar” schools;
- Michigan full-time online charter schools receive the same funding as other charter schools in the state;
- Ohio full-time online schools are funded at the same state per-pupil funding level as traditional schools but do not receive local funds or poverty-based assistance funding resulting in lower total funding levels; and
- Minnesota funding full-time online learning allows the student to enroll with the district or charter school as an open enrolled full-time student. One hundred percent of the average daily membership (ADM) follows the student to the new online district/charter of

the general education revenue. The funding model for supplemental online learning includes providing 0.12 times ADM to the enrolling district for the percentage of the day or ADM that the student is taking online classes and 0.88 times ADM to the online learning provider/program for the percentage of the ADM the student is taking online classes.

Ms. Worthen stated that most state virtual schools are funded with a fixed yearly appropriation, with some state virtual schools also charging per course enrollment fees that are often passed on to students. She added that in Florida and North Carolina the state virtual schools are funded in a manner based on the number of course enrollments.

To conclude, Ms. Worthen indicated that funding following the student at the individual course level exists in at least four states, including Florida, Arizona, Minnesota, and Utah. For example:

- in Florida, the Florida Virtual School receives a fixed amount for each successful semester course enrollment, with the school district's funding reduced for that course enrollment; and
- in Utah, funding follows a high school student, with successful course completion also impacting the funding, i.e., the providing district receives 50 percent of the funding after the withdrawal period and the remaining 50 percent once the student earns course credit.

Committee Discussion

In response to a question as to how online learning could close achievement gaps, Ms. Worthen stated that gaps need to be addressed by tracking individual student growth.

In response to question relating to online learning for special education students, Ms. Worthen stated that online learning is not a good option for all students; however, while this type of learning would need to be a personal choice made by a special education student and his/her family, spoken lecture could be augmented or supplemented with online learning for these students.

In response to a question as to how a teacher employed by an online school could be evaluated, Ms. Worthen stated that it would depend on the design of the system to include these teachers.

In response to a question as to how online learning addresses a concern of the business community that students need to work in groups in order to develop team skills, Ms. Worthen stated that those skills are not necessarily limited to face-to-face activities. She emphasized that communication can occur through online environments.

In response to a question relating to the practice of a for-profit online education management company requiring that a certain portion of state funding for online schools to be sent to back to the company, Ms. Worthen stated that she was not aware of the practice but understood the concern.

In response to a request for a recommendation for amending the state's funding formula to account for online learning, Ms. Worthen replied that iNACOL conducted a study to determine

actual costs of online learning; however, they now need to determine policy. She added that the concern of iNACOL is that online education funding is equitable based on actual costs.

CHARTER SCHOOLS

The Chair recognized Mr. Kevin Force, LESC staff; Mr. Tony Gerlicz, Director, Options for Parents, Charter Schools Division, Public Education Department (PED); Mr. Paul J. Aguilar, Deputy Secretary for Finance and Operations, PED; and Dr. Bruce Hegwer, Executive Director, New Mexico Coalition for Charter Schools (NMCCS), for a presentation on charter schools. Mr. Force began by providing testimony on recent issues and action regarding charter schools undertaken during the previous interim and recent legislative session. Focusing on several particular areas, he informed the committee of:

- recent administrative action on charter schools, including letters of intent to open new charter schools, applications for new charter schools, and the revocation of The Learning Community's charter;
- the implementation of Laws 2011, Chapter 14, or SB 446 (2011) *Charter School Contracts*;
- the possibility of a single, statewide chartering authority in New Mexico; and
- charter school governance board succession policies and practices.

Mr. Force indicated that 15 letters of intent had been submitted for new charter schools for school year 2013-2014, a number reflective of the general downward trend of submission of such letters in recent years and, as has been the case recently, fewer than half of those letters resulted in applications for new charters:

1. Columbus Community School, grades 7-12, in the Columbus/Deming community;
2. Dream Diné, pre-kindergarten through eighth grade, in San Juan County;
3. Explore Academy, grades 9-12, in Albuquerque;
4. Health Sciences Academy, grades 7-12 in Gadsden; and
5. R.I.S.E. - New Mexico, serving kindergarten through fifth grade, in Albuquerque.

At their July hearing, Mr. Force reported, the Public Education Commission (PEC) voted to revoke the charter of The Learning Community, acting on the recommendations of the Charter Schools Division (CSD) of PED, which cited a number of violations of law and policy as the basis for the recommendation of revocation:

- violation of a law requiring an instructional audit for any school receiving a "D" or "F" grade;
- governance council membership below the statutory minimum requirement of five members for a period of at least five months;
- school hours not in compliance with instructional hours requirements;
- violations of the *Open Meetings Act*;
- investigation of sexual harassment allegations without notifying PED;
- inability of the governing council to provide proper oversight to the school; and
- a breach of test security protocol.

Mr. Force further noted that the Executive Committee of the PEC would be deciding upon the actual date of closure of the school.

Committee discussion of this topic focused on the lack of provision in law requiring a charter school that is being considered for revocation to submit any kind of plan to the chartering authority or PED addressing the deficiencies potentially leading to charter revocation. The Chair noted that, under the *Charter Schools Act*, as amended by Laws 2011, Chapter 14, the contract itself should function as such a plan. Further discussion centered on whether the committee should consider amending the law to more specifically encompass such an additional action plan.

Mr. Force continued his testimony, moving to a review of the provisions of law enacted by Laws 2011, Chapter 14, *Charter School Contracts*. For a comparison of the academic performance of students attending charter schools versus their peers in traditional schools, Mr. Force introduced Mr. Gerlicz, who reviewed a PowerPoint presentation comparing the schools' academic growth scores for the highest-performing, and lowest-performing subgroups in traditional schools versus charter schools. Generally speaking, according to Mr. Gerlicz, the charter school sample scored more "A"s and "B"s in each category than the traditional school sample. Further, Mr. Gerlicz' data generally indicated that more charter schools improved their student growth score than did traditional schools.

Committee discussion of this topic focused on the initial roll-out of the charter school performance contracts statutory amendments. The Chair asked Mr. Gerlicz whether CSD went with the National Association of Charter School Authorizers framework that focuses on reauthorization over performance. Mr. Gerlicz indicated that the framework allows for a great deal of flexibility in the negotiation of the contracts, and that the negotiation process can deal with the goals of performance contracts. When asked what the division was doing to emphasize performance over authorization, Mr. Gerlicz stated that this issue required further attention, particularly with regard to local authorizers, and that a good place to start would be with schools that are just a couple of years away from reauthorization. Mr. Gerlicz noted that the provisions of Laws 2011, Chapter 14, had resulted in a robust negotiation for reauthorization of at least seven schools, and denial of two, resulting in more rigorous performance goals for those schools that have yet to undergo the negotiation process under the provisions of the amended *Charter Schools Act*.

Mr. Force's testimony moved on to the topic of single statewide authorizers of charter schools, noting that the number of potential authorizers in states varied widely from one in several states, to over 300 in California. Authorizing bodies were usually the state educational agency, local education agencies, independent chartering commissions, and nonprofits. Mr. Force noted that charter school advocacy organizations and model legislation tend to favor many authorizers, of multiple types, in any given jurisdiction.

Committee discussion addressed the feasibility and propriety of a single-authorizer scheme in New Mexico. The Chair recognized Mr. Aguilar, who noted that the idea of a single authorizing authority must be considered in the context of the oversight, function, and nature of the PEC, as well as the crossover of duties between authorizers, whether local or the PEC, and PED's duty of oversight of all public education. When one member noted that the current situation, where virtual charter schools, for example, can have statewide student bodies and be authorized either by a local school board or the PEC, persons wishing to found charter schools may, in effect,

“shop around” for an authorizer whose standards of oversight may be preferred over that of others. Mr. Aguilar replied that any system is going to have advantages and drawbacks; efficient function in light of the overall system of public education is the true concern. The member noted then that the CSD and PEC have staff dedicated to the issue of charter schools, whereas many districts may have no one at all with that sort of expertise.

Discussion then turned to the issue of charter school governance boards or councils, with a focus on succession plans, and best practices for filling board vacancies. Mr. Force reported that, according to the National Alliance for Public Charter Schools (NAPCS), many charter schools lack concrete and comprehensive succession plans, thus putting the long-term sustainability of those schools at risk. NAPCS recommends a number of practices in creating viable succession plans, including:

- early discussion of succession;
- understanding where the organization is in its lifecycle, and its particular needs;
- the use of a consultant or outside facilitator;
- making an emergency succession plan, and testing it;
- “building the governing body’s bench” and thus creating a pool of potential members and leaders;
- the creation and use of a good communication plan to publicize vacancies appropriately; and
- providing coaches for new leaders.

Mr. Force went on to note that, in New Mexico, charter school governance activities are dealt with largely by the provisions of the *Charter Schools Act*, as well as relevant portions of the *New Mexico Administrative Code*. Enumerated duties and responsibilities involving charter school governing boards include:

- attendance at a mandatory training course, developed by PED, to explain department rules and policies, statutory duties of governing boards, school law, etc;
- avoidance of conflicts of interest and nepotism; and
- requirements to include in charter school applications information describing the governing body and its operation of the charter school, including:
 - selection of governing body members;
 - qualifications and terms of members;
 - how board vacancies will be filled, as well as procedures for changing board membership; and
 - the nature of community involvement in the governance of the school.

Mr. Force continued, indicating that the actual mechanics of succession and filling governing body vacancies are dealt with as part of the individual charter application process, so that while the broad policies and goals of succession plans may be similar among different schools, the actual details may vary greatly between specific institutions.

The Chair recognized Dr. Hegwer, who addressed the issue of best practices for charter school governance board succession plans. Dr. Hegwer made note of the question on the New Mexico

Charter School Application, which asks for a description of how future board members will be selected as vacancies arise and provided a number of example answers from actual charter applications. Dr. Hegwer continued by outlining examples of recruitment and election practices, governance standards, as well as a framework for governance board-member training, and a flow-chart explaining potential conflicts of interest for board members.

One member queried Mr. Gerlicz as to whether he knew of any other public institution that is permitted to select their own governing body; he replied that he was unaware of any other such organization. The member went on to note that, in one particular case, the governance board rules concerning vacancies explicitly state that vacancies shall be filled by the remaining members of the board, thus ensuring that the governance board is a self-perpetuating body. In that instance, the member continued, individual members served at the pleasure of the full board, with no appeal or recourse for removal, should that occur. This member also noted the need for some external oversight of these “self-perpetuating bodies” that spend public dollars, as charter school boards do. Mr. Gerlicz replied that it is clear from CSD’s work that good governance boards directly translate to good schools; CSD is partnering with NMCCS to develop more training for governance boards, perhaps even a “Governance Council 101.”

One member noted that the comparison between charter and traditional schools can be difficult, as charter students can get up to \$2,000 more per year than a student at a traditional school. Moreover, in New Mexico, the Albuquerque Public Schools (APS) district has 11 percent charter school students; charters alone within APS could count as the fifth-largest school district in the state the member stated.

One member noted that, while discussion has focused on ensuring the competency of charter governance body members, no such focus is directed at school board members who go through the public election process. That member went on to note that perhaps the committee should examine whether conflict of interest concerns should be considered with regard to employees of school districts other than the superintendent, who is hired by the school boards.

One member noted a “gap” in the law between §22-5-9D, which directs PED to fill vacancies in the majority of a public school board until the next appropriate election, and §22-8B-4, which requires a minimum of five members on a governance board but makes no corresponding statutory mandate regarding filling charter board vacancies. This member suggested examining this issue for potential legislation.

AFTER SCHOOL PROGRAMS: STATEWIDE PROGRAM POLICIES

The Chair recognized Ms. LaNysha Adams, LESC staff, and Mr. Angelo Jaramillo, 21st Century Community Learning Centers (CCLC) Coordinator, Public Education Department (PED), for a review of after-school programs, commonly referred to as “extended learning opportunities” provided to school-age children statewide.

Referring to Attachment 1, *General Fund Appropriations for After (and Before) School Programs*, of the LESC staff report, Ms. Adams reported that at least since 2003, the Legislature has funded multiple public school initiatives under the broad category of extended learning

opportunities totaling approximately \$21.4 million, including appropriations to PED and, in some instances, other state agencies to support after-school initiatives statewide.

Federal programs, Ms. Adams emphasized, also complement state-level appropriations for after-school programs, primarily the Child Care Development Fund (CCDF) and the 21st CCLC program grant being the two largest sources of federal funding.

With regard to CCDF, Ms. Adams stated that, according to the federal Office of Child Care, this funding source:

- is authorized by the *Child Care and Development Block Grant Act* and Section 418 of the *Social Security Act*;
- assists low-income families in obtaining child-care so they can work or attend training and/or education;
- seeks to improve the quality of child-care and promotes coordination among early childhood development and after-school programs; and
- allows states to serve families through a single, integrated child-care subsidy program under the rules of the *Child Care and Development Block Grant Act*. States coordinate CCDF with Head Start, Pre-K, and other early childhood programs. States can also transfer a portion of Temporary Assistance for Needy Families (TANF) dollars to CCDF, or spend TANF directly for child-care.

For federal fiscal year 2013, Ms. Adams noted, New Mexico was awarded nearly \$40.0 million from the CCDF.

Referring to Attachment 2, *Afterschool Programs in New Mexico*, she stated that according to the Afterschool Alliance:

- in New Mexico, the 21st CCLC program is the only federal funding source dedicated exclusively to before-school, after-school, and summer-learning programs;
- 159,851 children in New Mexico are eligible to participate in a 21st CCLC program, but only 8,730 students attend a 21st CCLC program due to a lack of federal funding;
- if the 21st CCLC grant program were federally funded at the fully authorized level, New Mexico's share would be approximately \$19.0 million for federal fiscal year 2013; and
- 32 additional grants in New Mexico could be awarded if full funding for 21st CCLC programs were available.

Ms. Adams reported that the 21st CCLC program is authorized under Title IV, Part B, of the *Elementary and Secondary Education Act*, as amended by the *No Child Left Behind Act of 2001*. The purpose of the program, she added, is to create community learning centers that provide academic enrichment opportunities for children, particularly students who attend high-poverty and low-performing schools, to meet state and local student standards in core academic subjects, to offer students a broad array of enrichment activities that can complement their regular academic programs, and to offer literacy and other educational services to the families of participating children. Each eligible organization that receives a 21st CCLC award, she noted,

may use the funds to carry out a broad array of extended learning opportunities that advance student achievement.

Prior to 2001, Ms. Adams stated, the 21st CCLC was a discretionary grant program through which the US Department of Education held national competitions open to schools and local education agencies. After 2002, she stated, the 21st CCLC program transitioned to a formula grant program. Each state now manages its own grant competition, and both public and private organizations are eligible to compete for a minimum of \$50,000 in funding focused on serving students from poor and low-performing schools she added.

Ms. Adams reported that other federal programs can also complement state-level appropriations, 21st CCLC funding, and CCDF funding, including:

- Title I;
- Food and Nutrition;
- the Social Services Block Grant;
- Impact Aid; and
- Full-Service Community Schools Program funds.

Eligible entities, she added, may also be eligible to receive funds from three US Department of Agriculture (USDA) nutrition assistance programs:

- the Summer and Food Service Program, a USDA administered program designed to fill the nutrition gap left during the summer months and make sure children can get the nutritious meals they need;
- the At-risk After School Meal Program for programs that participate in the Child and Adult Care Food Program to give children and teenagers the nutrition they need and draw them into constructive activities that are safe, fun, and filled with opportunities for learning; and
- the After School Snack Program, which can be operated by school nutrition departments through the National School Lunch Program.

Ms. Adams stated that other services available through funds from TANF (administered by the US Department of Health and Human Services) can be combined with 21st CCLC programs to serve children outside of the regular school day. Additionally, 21st CCLC programs can also utilize federal funding available through local prevention grants under Title V of the *Juvenile Justice and Delinquency Prevention Act* (administered by the Office of Juvenile Justice and Delinquency Prevention in the US Department of Justice).

In foundation funding, Ms. Adams reported that the Charles Stewart Mott Foundation's Pathways Out of Poverty program supports initiatives that promote learning beyond the classroom, especially for traditionally underserved children and youth as a strategy for improving public education. According to the Mott Foundation's website, the Improving Community Education program area seeks to ensure that education serves as a pathway out of poverty by advancing systemic changes that improve educational policies and practices, particularly for children and families living in low-income communities.

New Mexico, Ms. Adams stated, was awarded grants for a statewide focus on improving community education through the Mott Foundation's Pathways Out of Poverty program. From the Mott Foundation, PED received grants totaling:

- \$225,000 for the October 1, 2010 to September 30, 2013 grant period to support PED in the advancement of the New Mexico Statewide After School Network and increase awareness of, and advocacy for, after-school programs; and
- \$225,000 for the October 1, 2013 to September 30, 2016 grant period to support PED in the advancement of the New Mexico Statewide After School Network, promote the adoption of the standards by regulatory agencies, develop a statewide quality system for after-school programs, and share lessons learned and products with the National Network of Statewide After School Networks.

Mr. Jaramillo reported that PED received two rounds of 21st CCLC grant applications during the spring of 2013 which included 32 applicants in the first round and 33 applicants in the second round. The request for proposals (RFP), he noted, was issued by the New Mexico State Purchasing Division on behalf of PED and scored by an evaluation committee consisting of 15 individuals on nine categories. The RFP, he emphasized, targeted low-performing and high-poverty schools. Private schools and Bureau of Indian Education schools, he reported, were required to:

- have high poverty, as demonstrated by 40 percent or more of their student population eligible for free and reduced-price lunch; and
- demonstrate low performance by a standardized assessment such as the New Mexico Standards-based Assessment, the Iowa Test of Basic Skills, CIB Terra Nova, or comparable standardized assessment.

Mr. Jaramillo stated that the list of the 22 selected programs for 2013 was included in the LESC staff report as Attachment 3, *21st CCLC Program in NM 2013*.

Referring to a committee handout, *New Mexico Afterschool Quality Standards*, Mr. Jaramillo stated that on any given day, nationally, 33 percent of children ages 5-13 return to an empty home after school. Of New Mexico's K-12 children, he emphasized:

- 22 percent (or 75,844) are responsible for taking care of themselves after school and spend an average of 11 hours per week unsupervised after school; and
- 17 percent (or 57,138) participate in after-school programs.

To address these data, Mr. Jaramillo emphasized that the state's Afterschool Alliance works to create, strengthen, and sustain a statewide system of support for quality after-school programs. Its partners, he noted include the:

- Charles Stewart Mott Foundation;
- New Mexico PED;
- University of New Mexico, Center for Education Policy Research;
- Albuquerque Public Schools;
- Las Cruces Public Schools;

- Youth Development Incorporated; and
- Alma de Arte/Court Youth Center.

To conclude, he distributed a handout, *School and Family Support Bureau*, outlining programs and initiatives supported by the PED bureau that, through intra-inter agency collaboration, promote healthier schools by providing professional development, technical assistance, and resources to school districts and charter schools.

Committee Discussion

In response to a question as to whether schools from the southeast region of New Mexico applied for 21st CCLC funding, Mr. Paul J. Aguilar, Deputy Secretary for Finance and Operations, PED, stated that the only applicants from the region were Clovis Municipal Schools and Eunice Public Schools.

A committee member expressed concern that during the August 2013 LESC interim meeting, the superintendent from Chama Valley Independent Schools reported that the district's after-school programs did not receive continued 21st CCLC funding. Mr. Aguilar responded that part of the issue was the quality of the application. He also reported that the applications were evaluated based on a 1,000 point rubric and the A-F school grading system.

A committee member asked PED to provide clarification on how the A-F school grading system was used in the evaluation of grant proposals as well as the rubric criteria and weights.

SUPERINTENDENT AND COMMUNITY INPUT

The Chair recognized Mr. Bill Green, Superintendent of Quemado Independent and Reserve Independent school districts, who provided comments regarding the discussion of charter schools, including legal issues relating to the composition of charter school governing boards. He emphasized that charter schools were originally established to provide public schools with options at the same cost of traditional schools. He stated that he believes some schools have accomplished that and deserve to be commended. He emphasized, however, that the small school size adjustment funding in the state's funding formula amounts to an additional \$10.0 to \$12.0 million for charter schools – funding that impacts all districts but primarily small school districts. He then thanked Representative Hall for introducing legislation during the 2013 legislative session that would have generated program units for school districts with membership less than 200.

There being no further business, the Chair with the consensus of the committee, recessed the LESC meeting at 4:35 p.m.

**MINUTES
LESC MEETING
SEPTEMBER 19, 2013**

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:06 a.m., on Thursday, September 19, 2013, at W.D. Gattis Middle School in Clovis, New Mexico.

The following voting members of the LESL were present:

Senators John M. Sapien, Chair, Craig W. Brandt, Gay G. Kernan, and Howie C. Morales; and Representatives 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 LESL were present:

Senators Daniel A. Ivey-Soto, Linda M. Lopez, John Pinto, William P. Soules, and Pat Woods; and Representatives Nathan "Nate" Cote, Tomás E. Salazar, Christine Trujillo, and Bob Wooley.

The following advisory members of the LESL were not present:

Senators Jacob R. Candelaria and Lee S. Cotter; and Representatives Alonzo Baldonado, George Dodge, Jr., David M. Gallegos, Stephanie Garcia Richard, Timothy D. Lewis, and James E. Smith.

PUBLIC SCHOOL BUDGETS

The Chair recognized Mr. Ian Kleats, LESL staff, and Mr. Paul J. Aguilar, Deputy Secretary for Finance and Operations, Public Education Department (PED), for a discussion of the FY 14 public school budgets.

Mr. Kleats explained that, during the June 2012 LESL interim meeting, the committee was provided a post-session memorandum, which contained an overview of the FY 14 recurring and nonrecurring public school support appropriations outlined in Attachment 1 of his staff report, *Table 1, FY 14 Public School Support and Related Appropriations*. Other sources of revenue for public schools, he added, include US Department of Education federal program funds. These appropriations, he emphasized, serve as the basis for the development and approval of public school budgets for the current school year.

Referring the committee to the LESL staff report, Mr. Kleats reported that provisions in the *Public School Finance Act* require:

- prior to April 15, that each local school board submit an operating budget to PED;
- at the local level, that an operating budget for the upcoming fiscal year be heard in a public hearing prior to June 20;

- PED to approve operating budgets for school districts and state-chartered charter schools on or before July 1; and
- PED to ensure that each local school board or governing body of a charter school is prioritizing resources of public schools rated “D” or “F” toward proven programs that are linked to improved student achievement until the public school earns a “C” or better for two consecutive years.

Other contents of the staff report, Mr. Kleats noted, included an overview of recurring and nonrecurring FY 14 appropriations for public schools, including the State Equalization Guarantee distribution. To conclude, he stated that language in the *General Appropriation Act of 2013* requires the Secretary of Public Education to set a preliminary unit value to establish budgets for school year 2013-2014. The appropriation language, he added, allows the secretary of public education to adjust the final unit value for FY 14 upon verification of final units, but no later than January 31, 2014. To comply with this language, he stated, the Secretary-designate of Public Education set the preliminary unit value for FY 14 at \$3,817.55, an increase of \$144.01 (3.92 percent) over the FY 13 final unit value of \$3,673.54.

Referring the committee to a handout, *FY 14 Public School Budgets*, Mr. Aguilar reported that:

- FY 14 budgeted operational revenue from state, local, federal, and cash sources total over \$2.6 billion; however, budgeted revenue from all sources totals nearly \$4.9 billion, including approximately \$771 million from local general obligation bonds, local construction, and other items that are not considered operational as well as approximately \$1.12 billion in cash;
- a comparison of funded FY 13 to budgeted FY 14 program cost by district and charter school indicates a \$73.4 million, or 3.1 percent, increase statewide;
- a comparison of FY 13 to FY 14 budgeted student membership and grant total program units reveals a decrease of 796.75 in student membership and 2,076.218 in program units;
- FY 14 budgeted enrollment growth is at 2,921.98 program units, primarily to account for enrollment growth in Hobbs, Las Cruces, and Los Alamos; and
- unrestricted operational fund budgeted cash balances statewide are approximately \$171.1 million, including approximately \$14.3 million in budgeted emergency reserve.

Committee Discussion

In response to a question as to whether PED tracks foundation dollars that flow to charter schools, Mr. Aguilar replied that Government Accounting Standards Board rules state that foundations associated with an institution are required to be part of the institution’s audit.

Several committee members then discussed whether booster clubs that support sport programs are organized as 501(3)(c) nonprofit entities. One committee member commented that booster clubs are not typically organized as these nonprofits; however, all of these clubs should be accountable for the monies that they use to support sport activities. Mr. Aguilar commented that there a number of booster clubs that are organized as 501(3)(c)s that are telling school districts that monies provided for sports are not to be considered district revenues but instead are the nonprofit’s dollars. Finally, a committee member commented that even though a 501(3)(c) is

considered a separate legal entity, provisions in statute or rule could require some form of accountability or disclosure if a school is a beneficiary of a certain dollar amount.

Committee members also discussed the potential consolidation of small districts and whether any consideration is given to distances between districts that result in students being placed on a school bus for a long time. A committee member then expressed concern about the current inequities in instruction by stating that some small districts do not have a calculus teacher, for example, or athletic programs because of cost. A committee member then asked whether virtual schooling would be an option for these districts. Another committee member commented that virtual learning is a good supplement for a small district, but not necessarily a good replacement.

RECURRING AND NONRECURRING APPROPRIATIONS TO PED: ALLOCATIONS BY SCHOOL DISTRICT AND CHARTER SCHOOL

The Chair recognized Mr. Mark Murphy, LESC staff, and Mr. Paul J. Aguilar, Deputy Secretary for Finance and Operations, Public Education Department (PED), for an overview of recurring and nonrecurring appropriations to PED for school districts and charter schools statewide.

Mr. Murphy reported that, during the 2013 legislative session, the Legislature made multiple appropriations to PED in order to support statewide education initiatives, including categorical appropriations that primarily support statutorily created funds; recurring appropriations to PED, including the department budget; non recurring special appropriations to PED for specific initiatives; and a non recurring supplemental and deficiency appropriation to meet, if needed, the FY 13 special education maintenance of effort requirement.

Referring to the LESC staff report and its attachments, Mr. Murphy outlined each specific appropriation, including related appropriation language. Other appropriation contingencies, he reported, that were not included in appropriation language were cited in the staff report, for example:

- according to PED, it appears that the \$5.2 million special appropriation to PED for the purchase of computers will only be distributed to districts and charters that successfully submit, by September 30, 2013, information or data attributed to the following initiatives:
 - 1) the Technology Readiness Tool;
 - 2) the SchoolSpeedTest; and
 - 3) the Project 24 Survey.

Referring the committee to a PED handout, Mr. Aguilar outlined the following distributions:

- \$100.3 million for school transportation, including \$89.3 million in operational dollars and \$11.0 million in rental fees for contractor-owned buses;
- \$1.5 million for increased fuel costs from the FY 13 appropriation from the Emergency Transportation Fund that was authorized to be expended through FY 14;
- \$13.0 million for the purchase of 149 district-owned school buses that have exceeded their 12-year life cycle;

- \$346,000 to support out-of-state tuition costs for students residing in New Mexico where transportation to an in-state district creates an unreasonable hardship (students residing in Lordsburg and Alamogordo, specifically);
- \$8.3 million in emergency supplemental funding to districts unable to generate sufficient funding through the State Equalization Guarantee (SEG) to meet operational costs;
- \$10.0 million to be used, if needed, to ensure the state meets its federal *Individuals with Disabilities Education Act, Part B* (IDEA-B) maintenance of effort in FY 14;
- over \$20.9 million from the Instructional Material Fund, 90 percent of which was allocated in April 2013 to districts, charter schools, and eligible private schools;
- \$857,000 to be distributed to 132 eligible local educational agencies;
- \$1.8 million from the Indian Education Fund, including:
 - \$400,000 to Teach for America to implement a culturally responsive teacher support program;
 - \$300,000 to Save the Children, which includes a \$300,000 matching requirement, to provide after-school and summer-literacy programs in rural schools serving a high percentage of K-8 Native American students;
 - \$660,000 to support the maintenance, revitalization, and sustainability of tribal language and culture;
 - \$200,000 to support language and culture curriculum, parental involvement, capacity building, professional development, and academic achievement within the 22 school districts that serve the highest population of Native American students; and
 - \$264,600 to support administrative costs of the Indian Education Division at PED and the Indian Education Advisory Council;
- \$11.5 million for early reading initiatives with a focus on early reading interventions that support a common screening assessment, professional development, and reading coaches statewide;
- \$14.9 million to provide pre-kindergarten programs for 4,230 students in 45 public school districts and four charter schools in FY 14, including \$849,000 for school transportation;
- \$15.9 million to provide K-3 Plus services to 16,000 students from 140 schools in 32 districts and two state-chartered charter schools in FY 14;
- \$4.0 million to support interventions in “D” and “F” schools in FY 14, including funds for the University of Virginia (UVA) School Turnaround Specialist Program;
- \$750,000 to support Advanced Placement (AP) initiatives, including content professional development for teachers and pre-AP programs in four pilot middle schools;
- \$192,400 to support the Apprenticeship Assistance program;
- \$500,000 for a statewide dropout prevention program;
- \$500,000 to support workforce readiness programs that provide high school students with the opportunity to earn industry certifications and college credits through the Dual Credit program;
- \$500,000 to fund Early College High School startup costs in the Roswell Independent, Las Cruces Public, and Mesa Vista Consolidated school districts;
- \$1.5 million to provide 45 recruitment stipends and 68 retention stipends for teachers in hard-to-staff schools in 15 districts and one charter school;

- \$2.0 million to provide for the cost of approved assessments from four approved providers: Houghton Mifflin Company, Discovery Education, Northwest Evaluation Association, and Renaissance Learning, Inc.;
- \$1.9 million in continued support for the Breakfast for Elementary Students program, which allows for breakfast and instruction to occur simultaneously in elementary schools with 85 percent or more students who qualify for free or reduced-price meals;
- \$890,000 to Innovative Digital Education and Learning-New Mexico (IDEAL-NM) for the administration of a Learning Management System for K-12 institutions and state agencies;
- \$500,000 to provide teaching support in schools with a high proportion of low-income students from a yet unselected nonprofit organization;
- \$200,000 to fund Graduation, Reality, and Dual-role Skills (GRADS), a school-based program for teen parents, in 21 school districts statewide;
- \$102,100 to support the Gene Franchini High School Mock Trial program;
- \$938,200 to support the operations of nine Regional Education Cooperatives statewide;
- \$25,000 to the Golden Apple Foundation to support a statewide program that matches master teachers in mentorship relationships with students in teacher preparation programs and with teachers in their first three years of teaching;
- \$100,000 to the New Mexico Activities Association to provide athletic and extracurricular support statewide;
- \$1.5 million to support the state’s transition to the Common Core State Standards (CCSS), including funds to:
 - conduct a professional development summit, an anchor standards workshop for secondary teachers, and a regional mentoring by common core experts;
 - provide English language learner training and coaching, online CCSS courses, statewide webinars to support teachers of students with disabilities; CCSS website updates, and computer literacy modules to prepare students for online Partnership for Assessment of Readiness for College and Careers (PARCC) assessments;
 - support the New Mexico Educator Leader Cadre; and
 - update IDEAL-NM courses to align with the CCSS;
- \$5.2 million to purchase hardware (computers) for the PARCC assessment statewide;
- \$3.4 million to support teacher effectiveness, including funds to provide for:
 - training of principals and school leaders;
 - an online system that allows evaluation components to be calculated (Teachscape);
 - the development of end-of-course exams; and
 - external observers for schools that request assistance;
- \$2.0 million to provide stipends for teachers moving from to “D” and “F” schools from “A” and “B” schools and for teachers who increase the proportion of students receiving college credit from AP classes;

- \$20.0 million to address the FY 13 federal IDEA-B maintenance of effort shortfall, consisting of \$15.4 million from the General Fund and \$4.6 million from Other State Funds. (Mr. Aguilar reported that \$16.9 million from this appropriation was distributed to school districts and charter schools in June 2013 in the same manner and on the same basis as the SEG distribution; remaining funds, have been booked as a contingent liability for FY 13 pending the outcome of the state’s hearing before the US Department of Education.); and
- \$100,000 to purchase and distribute New Mexico-grown food to schools.

Committee Discussion

In response to a question relating to a school transportation dispute between Gallup-McKinley County Public Schools and Central Consolidated Schools, Mr. Aguilar reported that there are a number of families in Gallup that want their children to attend school in the Central district. PED staff, he reported, sent a letter to the districts asking them to discuss a boundary agreement that allows for a district’s bus to cross into another district to transport students to school. He emphasized, however, that other safety issues may occur, such as students walking down the road to meet the bus or parents dropping off and leaving children unattended.

In response to a question relating to the balance in the Indian Education Fund, Mr. Aguilar reported the amount as \$450,000.

In response to a question relating to the purchase of school-owned buses, Mr. Aguilar stated that PED will be requesting an FY 15 appropriation of approximately \$7.0 million in order to replace the buses that are beyond the 12-year replacement requirement in law.

In response to a question relating to the appropriation for “D” and “F” schools and the actual number of district leaders enrolled in UVA School Turnaround Specialist Program, Mr. Aguilar reported that there were at least 31 school leaders in two cohorts.

A committee member commented that stipends for teachers that move to “D” and “F” schools may create a morale problem in that it provides no incentive for teachers currently employed in these schools.

In response to a member’s request for a definition of a highly effective teacher, Mr. Aguilar stated that these teachers are defined in the teacher evaluation system.

A committee member expressed concern that driver’s education revenues for education are being appropriated for unrelated initiatives.

INSURANCE APPROPRIATION REQUESTS FOR FY 15

The Chair recognized Mr. David Craig, LESC staff; Mr. Sammy J. Quintana, Executive Director, New Mexico Public Schools Insurance Authority (NMPSIA); Ms. Christy Edwards, Deputy Director, NMPSIA; and Ms. Carrie Robin Menapace, Legislative Liaison and Policy Analyst, Albuquerque Public Schools (APS), for a discussion relating to the FY 15 insurance appropriation requests of each entity.

Referring to the staff brief in the committee notebooks, Mr. Craig reported that:

- each year the Legislature appropriates funds to provide for projected increases in the employer's group health and risk insurance costs;
- current law provides for all charter schools and 88 of its school districts to participate in NMPSIA; and
- APS is exempted from participation in NMPSIA because of its size and is self-insured.

The staff brief, he added, also outlines the FY 15 appropriation requests for NMPSIA and APS and provides background information, including provisions in current law, relating to health and risk insurance coverage of public schools statewide.

Referencing a committee handout, Mr. Quintana reported that the NMPSIA risk program currently provides coverage for:

- 273,000 students statewide;
- 44,000 employees statewide;
- building properties valued at \$13.4 billion;
- 5,000 buses and other school vehicles;
- 42,000 sports participants; and
- 9,000 volunteers.

NMPSIA risk programs, Mr. Quintana noted, include:

- a partnership with the New Mexico Activities Association to address bullying and hazing issues;
- responsibility for school bus driver and supervisor training previously provided by the Public Education Department (PED);
- the addition of a certified roof inspector; and
- the review of insurance coverage for bus contractors.

To conclude, Mr. Quintana reported that the Risk Fund balance decreased by approximately \$11.9 million or 39.9 percent, and claims included \$1.5 million in fire damage to the Jemez Elementary School, and hail damage in excess of \$6.4 million to Luna Community College and the Santa Rosa Consolidated, Melrose Public, Dora Consolidated, and Lovington Municipal school districts.

Ms. Edwards reported that the July 2013 unaudited fund balance for benefits is \$33.5 million, an increase of 40.16 percent from the previous year. She also reported that effective October 1, 2014, medical costs are expected to increase by 12.82 percent for both the Blue Cross and Presbyterians plans and by 5.0 percent for long-term disability.

To conclude, Ms. Edwards stated that the FY 15 appropriation request for NMPSIA is \$7.73 million to provide for the employer's share of increased insurance premiums, including \$3.84 million for the risk program and \$3.89 million for the employee benefits program.

Also referencing a committee handout, Ms. Menapace reported a shortfall of over \$8.9 million in plan year 2014, primarily due to a \$4.2 million appropriation but an \$11.25 appropriation request. She reported that, to fund the shortfall, APS increased premiums, completed plan design changes that included a single plan option with larger deductibles, and was required to use fund balance. On a positive note, she reported, the district's wellness program continues to generate a surplus of funds for additional wellness activities.

For FY 15, Ms. Menapace explained, the APS appropriation request is \$11.6 million, which considers a 12.4 percent increase in medical, dental, vision, and life/disability insurance. She noted that the projected fund balance on December 31, 2014 will be at incurred but not reported levels of \$8.8 million, and a lack of revenue in the fund means that there will be no option to offset costs in FY 15 using fund balance. If there is no appropriation for FY 15 or if the appropriation is less than the requested amount, she cautioned, the costs will need to come directly from the employee.

Committee Discussion

A member commented that the composition of the NMPSIA board includes representation from teacher unions but no representation from non-union teachers. In response, Mr. Quintana stated that the provisions in current law outline the composition and representation of the board.

In response to a question relating to the difference in employee insurance costs between NMPSIA and APS, Ms. Edwards stated that NMPSIA offers two plans, and insurance premium costs for a single employee are about \$500 per month. Ms. Menapace stated that APS costs about \$250 per month, which may be due to the cost of healthcare being lower in urban areas. Ms. Menapace noted that additional information may be available soon as a result of a program evaluation being conducted by Legislative Finance Committee staff. One of the issues, she stated, is to determine the costs and benefits of consolidating the NMPSIA and APS insurance programs. Ms. Menapace referred to an Interagency Benefits Advisory Council (IBAC) study from a previous year that showed it would cost the state more money if the NMPSIA and APS insurance programs were consolidated. A current issue, she added, is the national health exchange program and how it will impact costs.

A member asked whether NMPSIA would provide coverage to a district if the district did not follow its lawyer's recommendations on policy. Mr. Quintana stated that in a previous year a district had an employment issue for which the district decided not to follow the advice of their attorney. Mr. Quintana stated that NMPSIA staff requested the NMPSIA to adopt a policy that allows NMPSIA, under certain circumstances, not to provide coverage if a school board goes against the advice of their attorney in employment matters.

A committee member requested an insurance plan cost comparison between NMPSIA and APS.

A committee member requested Ms. Menapace to provide a copy of the IBAC study.

EDUCATIONAL ASSISTANTS: SALARY COMPARISONS NATIONWIDE

The Chair recognized Mr. Travis Dulany, LESC staff, for a discussion of educational assistant (EA) salary comparisons nationwide. The Chair also introduced Ms. Kathy Chavez, President of the Albuquerque Educational Assistants Association and Executive Vice President of the New Mexico American Federation of Teachers, as a resource for potential questions during the discussion.

Referring the committee to the LESC staff report, Mr. Dulany reported that since at least 2001, LESC has considered issues regarding EA licensure and salaries. For school year 2001-2002, he noted, the Public Education Department (PED) reported that the average salary for an EA was \$12,550; in school year 2002-2003, the average reported salary for an EA was \$13,162; however, many full-time EAs at the time were receiving annual salaries below \$10,000.

Mr. Dulany explained that, as a consequence of the increased requirements of the federal *No Child Left Behind Act of 2001*, coupled with low levels of compensation for EAs, the LESC endorsed and the 2003 Legislature passed HJM 35, which requested that PED, in cooperation with the Commission on Higher Education, now the Higher Education Department, study the needs and resources related to improving the knowledge, skills, and status of EAs and substitute teachers. In response to the joint memorial, he stated, LESC staff were directed to establish a work group.

In January 2004, Mr. Dulany emphasized, the LESC endorsed legislation based upon the final recommendations of the LESC work group, and subsequently, during the 2004 legislative session, legislation was enacted to create a career advancement initiative for EAs that resulted in provisions in current law that outline the role, licensing framework, and minimum salaries for EAs.

Mr. Dulany then provided an overview of two sources of data for EA salaries:

1. The **Bureau of Labor Statistics** (BLS) reports that New Mexico has 8,300 EAs; however, these data include individuals employed at child daycare service centers as well as some higher education institutions, though graduate assistants are excluded from the data. The nationwide average salary for EAs reported by BLS is \$25,500, while the average of EA salaries in New Mexico is \$21,600. The highest average annual wages for EAs, according to BLS, are found in Alaska, Nevada, Delaware, Maine, and Washington.
2. **PED Student Teacher Accountability Reporting System** (STARS) data indicate that, for the 6,000 EAs employed in New Mexico public schools, the statewide average salary is \$16,000.

Certain reporting factors, Mr. Dulany cautioned, may affect the accuracy of the STARS data, such as errors in data entry or EAs serving in multiple functions.

The Chair recognized Ms. Chavez, who discussed the increasing responsibilities placed on EAs. She stated that some EAs perform as many as nine functions in the course of their daily work; however, the wages for EAs throughout the years have not kept up with the increasing duties

they are required to perform. Ms. Chavez referenced the work of the LESC since 2001 and noted that the minimum pay for EAs needs to be revisited.

The Chair then recognized several EAs in attendance, including:

- Ms. Angie Damon, Tobe Turpen Elementary School;
- Ms. Cathy Sanchez, Albuquerque Public Schools (APS);
- Ms. Laura Aguirre, Vado Elementary School;
- Ms. Angelica Rodriguez, Vado Elementary School;
- Mr. Tony Zaragoza, APS;
- Ms. Eva Gomez, a former technology aide who is now President of the Roswell Education Association on full-time release;
- Ms. Delfina Garcia, kindergarten classroom aide, Del Norte Elementary, Roswell Independent Schools; and
- Ms. Jennifer McWhorter, Library Aide, Del Norte Elementary, Roswell Independent Schools.

Concerns and issues discussed by these EAs included statements that:

- EAs work closely with students, having high visibility and interaction with students;
- in certain cases, EAs serve as the first line in the disciplinary process when students misbehave – one EA mentioned that he had to remove weapons from a student’s possession; and
- one school in particular does not have a full-time librarian, therefore requiring the library associate to perform all of the functions of a librarian, including management of the school’s 14,000 books, at the pay rate of an EA.

Finally, all of the EAs testified that they enjoy their jobs because the EA profession allows them to work closely with, and positively affect the lives of, their students; however, low salaries make it difficult for the EAs to keep up with personal expenses.

Committee Discussion

In response to a question as to whether an EA performs the duties of a substitute teacher, an EA stated that she is sometimes required to be a substitute teacher but with no additional compensation.

A committee member thanked the EAs for sharing their backgrounds and thanked them for their service to the public schools. The committee member noted that salaries are set at the local level, and this issue should be brought to the attention of local school boards across the state.

A committee member stated that some functions of EAs, such as that of a translator for English language learners, could cost up to \$100 an hour for a contract translator and that EAs often perform this function on a daily basis but receive no additional compensation for this service.

SUPERINTENDENT AND COMMUNITY INPUT

The Chair recognized Mr. Jose A. Griego, a Clovis native, who is a charter school advocate. He noted that he is in the process of developing a letter of intent to establish a charter school in Clovis and will be asking and incorporating the hopes and dreams of the community in order to educate others about the process and also answer any questions they may have relating to charter schools.

There being no further business, the Chair with the consensus of the committee, recessed the LESC meeting at 5:35 p.m.

MINUTES LESC MEETING SEPTEMBER 20, 2013

Senator John M. Sapien, Chair, called the meeting of the Legislative Education Study Committee (LESC) to order at 9:07 a.m., on Friday, September 20, 2013, at W.D. Gattis Middle School in Clovis, New Mexico.

The following voting members of the LESC were present:

Senators John M. Sapien, Chair and Craig W. Brandt; and Representatives Rick Miera, Vice Chair, Nora Espinoza, Jimmie C. Hall, Dennis J. Roch, Sheryl M. Williams Stapleton, and Mimi Stewart.

The following voting members of the LESC were not present:

Senators Gay G. Kernan and Howie C. Morales.

The following advisory members of the LESC were present:

Senators Daniel A. Ivey-Soto, John Pinto, William P. Soules, and Pat Woods; and Representatives Alonzo Baldonado, Nathan "Nate" Cote, Tomás E. Salazar, and Christine Trujillo.

The following advisory members of the LESC were not present:

Senators Jacob R. Candelaria, Lee S. Cotter, and Linda M. Lopez; and Representatives George Dodge, Jr., David M. Gallegos, Stephanie Garcia Richard, Timothy D. Lewis, James E. Smith, and Bob Wooley.

DIRECTOR'S REPORT

a. Approval of August 2013 LESC Minutes

On a motion by Representative Stewart, seconded by Representative Cote, the committee approved the August 2013 minutes.

b. Informational Items

Ms. Frances Ramírez-Maestas, LESC staff, referred to the following items for the members' review included in the committee notebooks:

- the June 2013 LESC Financial Report;
- a staff brief on Administrative Rulemaking noting the Higher Education Department's proposed amendments to the New Mexico Scholars Program and the Public Service Law Repayment Program, and new rules proposed for the Primary Care Physician Student-Loan-for-Service Program and the Teacher Loan Repayment Program;
- a committee request for the National Education Association (NEA) position on the Common Core State Standards (CCSS) and the Partnership for Assessment of Readiness for College and Careers (PARCC);
- a committee request regarding virtual education in New Mexico;
- a committee request regarding the New Mexico Virtual Academy;
- a Notice of Suspension of Board of Finance Authority; and
- *The 45th Annual PDK/Gallup Poll of the Public's Attitudes Toward the Public Schools: Which way do we go?*

To conclude, she informed the committee that the 2015 Budget Request includes an expansion request for four program evaluators. She also reminded the members that the December interim meeting dates had been changed to December 12-13 from December 9-11.

ARCHITECTURE CONSTRUCTION AND ENGINEERING (ACE) LEADERSHIP HIGH SCHOOL: PERFORMANCE-BASED ASSESSMENTS

The Chair recognized Ms. Tori Stephens-Shauger, Executive Director and Principal, Architecture Construction and Engineering (ACE) Leadership High School; Ms. Vanessa Svihla, Ph.D., Assistant Professor, University of New Mexico (UNM); and Mr. Tony Monfiletto, Executive Director, New Mexico Center for School Leadership, for a discussion of performance-based assessments.

Mr. Monfiletto reported that the ACE Leadership High School, and the recently authorized Health Leadership High School, are state-chartered high schools designed to be project-based and highly engaging for students who need an education that is hyper-relative to their lives.

He emphasized that employers care about kids who are able to complete an education that is applicable to real-world problems and that provides them with the skills and ability to adapt to different circumstances. Employers, he noted, are not asking for student scores on standardized

testing, but rather for highly adaptable employees. On a personal note, Mr. Monfiletto stated, our greatest challenge is a human capital challenge – we are leaving way too many kids out of our economy because we are not training them to work in a rapidly changing world. The performance assessment process, he emphasized, helps to ensure that students are ready for the future.

Ms. Stephens-Shauger explained that one of the initiatives used to develop a leadership high school is best described as what is the right tool to assess students based on what industry wants and needs. ACE Leadership High School, she stated, emphasizes performance assessment, a comprehensive evaluation in which a student can demonstrate his or her accomplishments, strengths, and weaknesses. She reported that using the New Mexico Standards and Benchmarks and/or the Common Core State Standards as a guide, the goal is to create tasks that allow students to demonstrate expected knowledge, reasoning, skills, and/or attitudes. The tasks, she added, should be authentic (real world), observable (public), and rooted in the actual instructional approach of a school. Like all good assessments, she stated, the approach will be feasible (in time, space, and cost), fair (unbiased based on gender, race, etc.), and flexible (allow for multiple outcomes). The evaluation tools, she indicated, are to assess if the student has mastered the learning outcomes expected in the standards. To conclude, she reported a partnership with UNM to make sure that the performance assessment is reliable and valid tool.

As facilitator of a Performance Assessment Network (PAN), Ms. Stephens-Shauger stated that the benefit of having a network that is focused on doing high-quality performance assessment is that capacity can be built within our state to do this type of evaluation of student learning. PAN, she noted, is made up of schools with different missions, methods of teaching, and basis for curriculum but sharing a core belief that students should be assessed in the way that they learn best. She added that, though there are expectations for network schools around some specific commitments such as the practice of performance assessment and the professional development required to do it well, standardizing the schools is not one of them. Schools like Cottonwood Classical Preparatory School, she emphasized, uses a rhetoric-based program called Paideia to prepare their high school students for college. The Native American Community Academy, she added, emphasizes the importance of the community, including Native leaders, to prepare middle and high school students for college. Media Arts Collaborative Charter School, she noted, uses their emphases on media arts as a tool to not only build skills within the content areas but also prepare middle and high school students for careers in the media arts industry. And, Mountain Mahogany Community School, she stated, is an elementary school that focuses on emotional intelligence and infusing learning with movement, art, and the natural world.

This richness in expertise and perspective, she indicated, enhances PAN's opportunity to think critically about what learning looks like through performance assessment at all grade levels and in different contexts. To conclude, she noted that the network currently has three schools working on a pilot for performance assessment with the hope of having good data in using performance assessment in schools as a high school exit exam.

Dr. Svihla reported that PAN schools, in partnership with UNM, will study whether their assessments hold up under scrutiny. She stated that the university has a grant to study performance-based assessment at Health Leadership and other charter schools. Her aim, she noted, is to help the schools develop consistent measures and to study whether and how they are valid and reliable. In other words, she concluded, she is studying whether the assessments are

viable in determining whether students learned what they were supposed to and whether the scoring system is clear enough that a variety of judges would come to similar conclusions about the same performance.

Committee Discussion

In response to question as to whether the Public Education Department (PED) has approved the performance assessment, Ms. Stephens-Shauger reported that department staff have been in touch with the network since the implementation of the project and that it is the hope of the network that, as the process evolves, PED will embrace the initiative.

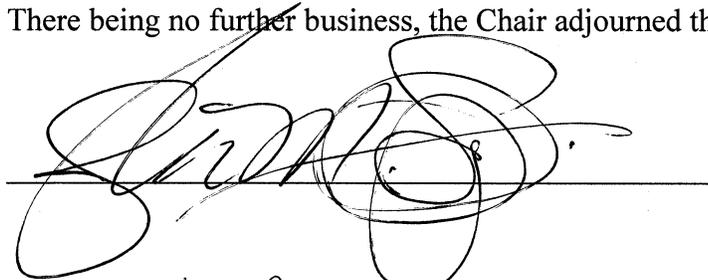
In response to a question whether these schools would receive a standardized test waiver, Mr. Monfiletto stated that the schools would not know until the end of the current school year. Ms. Stephens-Shauger added that the network will submit the research of the test pilots with a goal of having PED embrace performance assessment as an alternative standard for graduation.

In response to a question as to whether the pilot schools would be required to take the New Mexico Standards-based Assessment, Ms. Stephens-Shauger replied in the affirmative.

In response to a request for an example of how a question on a performance-based assessment differs from a question on the New Mexico Standards-based Assessment, Ms. Stephens-Shauger stated that a student in a performance-based assessment would be shown a food web, or energy web, and asked to describe the keystone species within that food web.

ADJOURNMENT

There being no further business, the Chair adjourned the LESC meeting at 11:10 a.m.


_____ Chair

1-20-2014 _____ Date