



Newsletter of the League of Women Voters of Los Alamos

League of Women Voters of Los Alamos P. O. Box 158, Los Alamos, NM 87544 Website: www.lwvlosalamos.org

Volume 69, Number 5 October 2016 President: Wendee Brunish *wbrunish(AT)gmail(DOT)com* Newsletter Editor: Kathy Taylor *kathytaylor1000(AT)msn(DOT)com*

Calendar

October 6	1 st Candidate Forum, UNM/LA 7 p.m. (6:30 for refreshments)
October 11	Early Voting Begins, Municipal Building, 8 a.m5 p.m. M-F
October 13	2 nd Candidate Forum, UNM/LA 7 p.m. (6:30 for refreshments)
October 18	Charter School Consensus meeting, Mesa Public Library, 11:15 a.m.
October 27	Board Meeting, Mesa Public Library, noon

Lunch with a Leader:

There will be no Lunch with a Leader program in October. Planning is underway for the November program with LAPS superintendent Kurt Steinhaus and school board member Bill Hargraves, who will describe improvements in LAPS-community communications and discuss the upcoming school bond election.

Karyl Ann Armbruster

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Welcome, New Members!

We are pleased to welcome Stephanie Nakhleh and Nancy Savoia to the League of Women Voters. Our League now has 71 members.

President's Message

Education then, beyond all other devices of human origin, is the great equalizer of the conditions of men, the balance-wheel of the social machinery. Horace Mann (1796-1859)

This quote by legislator and educational reformer Horace Mann expresses how most Americans expect and hope that our educational system works, although many of us may have doubts about how well it is being achieved.

As a child, I attended Horace Mann Elementary School in California, so I am well aware of his achievements and his legacy. But many of you may be unaware of the seminal role that he played in the development of American public education.

Mann was the son of a poor farmer. He worked hard to become educated and, despite the lack of any formal primary or secondary education, graduated as valedictorian from Brown University in 1819 at the age of 20 and became a member of the Massachusetts bar in 1823. His strong desire for public service led him to become a Massachusetts state legislator and eventually to serve as president of the Massachusetts State Senate.

In 1837 Massachusetts established the first board of education in the United States and appointed Mann as the first state secretary of education. By establishing numerous non-sectarian public schools in Massachusetts as well as training academies for teachers, Mann revolutionized education in Massachusetts. Many other states quickly followed the path that he laid out.

His important legacy as "the father of American public education" is based on his commitment to wide access to high quality, publicly funded, non-sectarian education taught by well-trained professional teachers. The fact that these schools were open to both men and women provided both educational and career opportunities for women that had not existed prior to this time.

As recalled in the quote at the top of this article, education continues to be the cornerstone of our society's efforts to provide economic opportunity for all of our citizens regardless of gender, race, ethnicity, or income. I can think of nothing as important to every citizen than that we continue to work to achieve the offering of a high quality public education for every American.

Education Week's Quality Counts released its annual state report card on Thursday, and New Mexico earned a D. The state ranked 49th in the nation, ahead of only Nevada and Mississippi (the report includes the District of Columbia). Our state also ranks 50th in overall reading proficiency with just 21.5 percent of students reading at grade level compared to a national average of 34 percent.

New Mexico ranks 36th in the nation in per-pupil spending. Certainly some of our abysmal performance can be attributed to inadequate funding and lack of legislative priorities for education. How we address questions currently facing our educational system in New Mexico will dramatically affect our young people and their ability to shape a successful future for our state.

This month, the League of Women Voters of New Mexico will be considering a set of consensus questions about the rapidly increasing number of charter schools in New Mexico and how this may positively or negatively impact educational opportunities and outcomes for every New Mexico pupil. As a League member, please take the time to consider this important question. Included in this newsletter are the consensus questions and the background material, so please read them and participate in the discussion on October 18. If you cannot attend, let your LWVLA representatives to the consensus committee know your opinions and ideas. Akkana Peck, Barbara Calef, and I will be participating in the consensus discussion and we all welcome your input.

Candidate Forums

The League has scheduled two candidate forums, both of which will be held in the Lecture Room in Building 2 of UNM/LA.

The first will be on Thursday, October 6, at 7:00 p.m. Come at 6:30 for refreshments and to meet the candidates. Participants include Sharon Stover (R) and Stephanie Garcia Richard (D), running for District 43 in the NM House of Representatives; Yvonne M. Chicoine (R) and Marco Peter Serna (D), running for District Attorney in the First Judicial District; Abraham Dispennette (R) and Anne Nobile (I), running for Probate Judge. In addition, Robert Gibson and John Horne will discuss the proposed County Charter amendment.

The AAUW is funding the taping of the forum by PAC-8 for later viewing.

The second forum will take place one week later on Thursday, October 13. It features U.S. House of Representatives candidates Michael H. Romero (R) and Ben R. Lujan (D); County Council candidates Patrick Monroe Brenner (R), Jaret J. McDonald (R), Steven P. Girrens (R), Peter T. Sheehey (D), Chris Chandler (D), and Antonio L. Maggiore (D); and County Clerk candidates Naomi D. Maestas (R) and Amy Woods (D)

Members of the Los Alamos High School Hilltalkers will assist in running the forums.

Don't forget to read the **Voter Guide**, which will be published in the LA Daily Post and will arrive in the mail on Thursday, October 6. It is also available on the LWVLA website, <u>lwvlosalamos.org/VoterGuide.html</u>.

Barbara Calef

Wendee Brunish

LWVNM Victory at the NM Supreme Court

On September 14 the NM Supreme Court heard oral arguments on the League of Women Voters of New Mexico vs. the Advisory Committee to the NM Compilation Commission case, known as "the school elections case." The League argued that the electorate actually did approve Constitutional Amendments in 2008 and in 2014 allowing school elections to be held at the same time as other non-partisan elections. The League contended that only a simple majority was required rather than a super-majority since no voting rights would be restricted by the amendment. The League maintained that it is a convenience to voters to hold school elections at the same time as other non-partisan elections. It increases turnout, so that more of the electorate has an opportunity to choose who will serve on their school boards and to make funding decisions. Voter participation is fundamental to our representative democracy, and education is the keystone.

The League was supported by several other organizations, including the NM Association of Counties on behalf of the NM County Clerks, Common Cause New Mexico, Disability Rights New Mexico, and the Drug Policy Alliance. Senator Daniel Ivey-Soto, a member of the League of Women Voters of Central New Mexico, was the League's pro-bono legal counsel.

The Supreme Court agreed with the League, determining that the New Mexico Constitution allows school elections to be combined with other non-partisan elections. Following the same line of reasoning, they also decided that the 2010 Constitutional Amendment #3 had passed. That amendment removed the archaic and offensive language denying "idiots" and "insane persons" the right to vote, and made it clear that felons can have voting rights restored, as state law allows but the constitution seemed to forbid.

The Legislature still must pass a law allowing school board elections to be scheduled at other times than odd-numbered years in February. Eventually all nonpartisan elections can be held at the same time, cutting costs and increasing turnout.

Barbara Calef

Observer Corps Reports

County Council

At the September 27th meeting of the County Council, the Department of Public Utilities brought before Council a gas rate decrease of 10%, and a water rate increase of about 10% in all categories. Both ordinances passed. However, when the Snow Removal ordinance came up from Public Works, there were a lot of questions and discussion, and the Council ultimately voted down the ordinance with a 2 -5 vote. Interestingly, this ordinance was a low priority for Public Works, but council had asked them to bring it before them. Given community objections, however, and a better understanding of the issues involved, the Council chose to vote it down.

The County has completed the road repairs on Knecht Street. In addition to all the roadbed improvements, there is now a 10-foot wide sidewalk which connects to the Canyon Rim Trail where it terminates at Smith's Marketplace. There are plans to continue this "trail" winding through town and north towards the Nature Center, but right now they are only visions. Continuing the Canyon Rim Trail along the canyon itself is problematic because of right-ofway issues and difficult terrain. But there is still hope.

The leg of the Canyon Rim Trail from Fire Station #6 on East Road to Smith's Marketplace made a big leap forward with the installation of the necessary bridge. This is worth a look. You can spot it as you drive along East Road carefully. This leg is not due for completion until December or January.

Lynn Jones

Board of Public Utilities

At the September 27th Board of Public Utilities meeting, the Department of Public Utilities' contractor presented a preliminary engineering report for the construction of a new wastewater treatment facility in White Rock. The recommended alternative utilizes an oxidation ditch and would provide a higher quality effluent.

Philip Gursky of the Planning and Zoning Commission gave a presentation to the Board of Public Utilities on the Los Alamos County 2016 Comprehensive Plan. He specifically focused on areas of the Plan that might impact the Department of Public Utilities.

Staff also mentioned that it would be planning a public meeting in November on the revised Long-Range Water Supply Plan.

Lastly, Board member Paul Frederickson briefed the Board on a possible project the Department of Public Utilities is exploring as recommended by the Future Energy Resources (FER) Committee. Two Board members, two councilors, and department staff traveled to Utah to learn more about the Carbon Free Power Project. Numerous partners propose the construction of a 600 MW nuclear facility in Idaho, utilizing small modular reactors. With the expiration of the County's contract for the San Juan Generating Station (SJGS) in the mid 2020s, the County will consider whether or not it would like to partner in the CFPP as a way to replace the lost electric generation from SJGS. The CFPP is in the preliminary stages and the County will carefully weigh cost, risk, and other generation alternatives.

Julie Williams-Hill

Report of August Lunch with a Leader: Steve Foltyn and Art in Public Places

There are 400 public art programs in our country, six of which are in New Mexico, including one for the state plus local programs in Albuquerque, Rio Rancho, Santa Fe, Bernalillo, and here in Los Alamos.

Steve Foltyn, who served on the Board of Art in Public Places for three years, said that public art is a form of collective community expression. Prior to his experience on the board, he was unaware of the wealth of public art in the state, which includes Spanish style carved furniture and tinwork and a number of bridges in Santa Fe created by the Civilian Conservation Corps during the New Deal.

Foltyn began his talk by saying that the public has lots of misconceptions about how the process works. In Los Alamos an ordinance sets aside 1% of the budget of capital improvement projects over \$20,000 and 0.5% of the budget for road projects. The funds go into an art account; County staff holds the checkbook. The artwork must be placed in a public place with public visibility and impact, and must be designed to last at least twenty years and enhance the environment of the county. Ephemeral art such as dance, music, or poetry is not eligible for the program.

The Board of Art in Public Places develops proposals, often beginning with a site. They may have an idea for a project or may call for proposals. With some projects, such as the sculpture for the plaza in front of the Municipal Building, the board seeks public comment to help narrow the field of applicants. Other times stakeholders, such as the White Rock Implementation Committee, are given the opportunity to choose the artwork for a site in which they are invested.

The public can influence decisions by presenting an idea to the board. Better yet, they will come with a detailed plan or donate art or funds for art. In any case proposals are subject to approval by the board, which must determine a budget and take the recommendation to Council for approval. The Council can approve the project or reject it, can ask for more information or for changes.

An excellent example of a project that enhances the site is the concrete San Ildefonso pottery recently installed in White Rock, representing a historical progression of pottery. The pots were painted by San Ildefonso artists working in the golf course maintenance shed.

Foltyn introduced Libby Carlsten, Senior Management Analyst in the Community Services Department. Carlsten deals with the contracts, which are also checked by attorneys, and she handles applications to the board. The board has five members, who may serve up to two twoyear terms. They meet on the fourth Thursday of every month at 5:30 in Room 110 of the Municipal Building.

Barbara Calef

Charter School Consensus Meeting

Instead of Lunch with a Leader this month, League members are invited to participate in a meeting to find consensus regarding reforms to the system for charter schools in New Mexico. LWVNM President Meredith Machen will return to lead the discussion on Tuesday, October 18. The meeting will be held in Mesa Library from 11:15 to 1:15 p.m. Karyl Ann Armbruster will send out invitations and will order lunches for those who sign up. Of course it is not necessary to purchase a lunch to attend.

Please read the questions in advance and bring them to the meeting.

CHARTER SCHOOL CONSENSUS QUESTIONS

EDUCATION/MISSION

1. What criteria should be used to determine whether to authorize a new charter?

- A. The charter school's mission appears to serve a need that regular public schools cannot.
- **B.** Availability of funding and absence of financial harm to district public schools
- C. Demonstrated need based on student population projections.

Background: "Demonstrated need" means the charter applicant would have to show that a substantial number of families would enroll. EXAMPLES: La Jicarita Montessori Charter School is now closing itself down after several years because it only has about 15 students. On the other hand, Albuquerque Sign Language Academy serves a critical need not met by traditional public schools (TPS). Over 70% of its students have other "special needs" in addition to hearing impairments.

2. Should New Mexico provide flexibility and supplemental funding for magnet programs and career academies within traditional public schools so that charter schools are not the only entities receiving funding for innovative programs?

3. Should NM disseminate effective charter school innovations to improve the traditional public education system and add a budget item, if necessary, for that purpose?

Background: A primary rationale for establishing charter schools was that they would stimulate innovation that would improve TPS. NM has no process to ensure dissemination of successful innovations and effective teaching practices with other charter schools or traditional public schools. Some model states (NJ and MA, for instance) require their education departments to define what constitutes innovation and apply this definition in awarding charter school contracts. They also require their education departments to assume the responsibility for regularly disseminating the lessons learned by charter schools so they both traditional public school districts and other charter schools benefit.

4. Charter schools are initially licensed for a five-year period and are renewed if they have made "progress" towards meeting state accountability standards and the specific performance goals in their individual charter contracts. If a charter school fails to meet minimum academic, financial, and organizational standards for two consecutive years or for two of the three most recent years, should its contract be automatically revoked?

Background: NACSA identified an urgent need for NM to develop clear written performance standards for authorization and renewal and recommended NM implement an automatic closure policy for charter schools that fail to meet these standards. State charter schools that have made "progress" are allowed to continue even though they have received failing school grades and have not demonstrated the ability to prepare students to meet state academic achievement standards. Automatic closure laws help states avoid costly lawsuits and lengthy appeals and ensure that students are moved into other schools on a timely basis. Charter schools are given warnings and put on improvement plans prior to automatic closure.

FISCAL IMPACT, ACCOUNTABILITY, AND TRANSPARENCY

5. a. Should the Legislature determine a set operating budget that can be used for charter schools, especially in a time of budget shortfall?

b. Should there be a cap tied to the fiscal health of New Mexico, with a moratorium or limit to further authorizations until the State's financial health improves?

Background: Charter school authorization occurs independently of the state's budget process and does not take into consideration the financial implications for the state. Partly because they receive more funding than traditional schools, local school districts have opened about 40 charter schools, despite declining enrollments. The state has also opened over 60 charter schools. The staffs of the Legislative Finance Committee and the Legislative Education Study Committee have repeatedly alerted legislators to the funding problems related to charter schools in attempts to slow their proliferation and the effects on the state's expenditures. Many charter school costs are not part of the state's approved budget. https://www.nmlegis.gov/minutes/ALESCminJul1 3.16.pdf

c. How should the Legislature address the need to upgrade non-compliant school facilities to meet minimum standards?

Background: New Mexico charter schools, like school districts, are eligible for facility funding if they meet certain criteria. The four basic funding sources for charter schools facilities are Lease Assistance, Standards-based Funding Awards, the Public School Capital Improvements Act, and the Public School Buildings Act<u>https://www.nmlegis.gov/handouts/ALESC%2</u> 0081716%20Item%204%20PSFA%20Charter% 20School%20Facilities.pdf With regard to school facilities, NM is facing significant funding shortfalls and challenges given the increasing demands and other economic factors. NM's capital outlay prioritization process requires all schools in subpar facilities to be brought up to minimum standards before funding maintenance, upgrades, and new construction. Many charter schools are housed in sub-par facilities, meaning their needs must be prioritized over those of traditional schools, which serve 93% of NM's students.

https://www.nmlegis.gov/handouts/ALESC%200 81716%20Item%204%20PSFA%20Annual%20R eport_FY15.pdf

6. Should a charter school's finances be available for public scrutiny and should budget processes be similar to those for school districts, which require the public to be provided with an opportunity for input into decision-making? For example, should charter schools, like traditional schools, be required to make publicly available:

- amounts and sources of revenue?
- -regular expenditure reports, including procurement contracts?
- teacher salaries and instructional support as a percent of expenditures?
- audit reports?

Background: School districts post their budgets and financial reports on their websites and are required to allow public comment in accordance with the Open Meetings Act. Some charter schools also post their financial statements, but a spot check by the Charter School Study Committee revealed that many do not. The PEC attempted to close several charter schools that overspent their budgets or had audit problems. The PED overturned their decisions and has allowed most of these schools to stay open. PED has taken over the finances of several charter schools with serious audit findings, leading to the State Auditor to order the Public Education Department to develop and implement an *improvement plan.*

7. Should charter school governing council members adhere to standards and best

practices as delineated by the NM School Boards Association?

School board members of traditional schools generally get far more training than governing council members of charter schools. The NM School Boards Association allows charter school governing council members to participate in the additional training if they join as affiliate members, but it is not currently required.

8. Should the school funding formula be more equitable so as not to advantage most charter schools over traditional public schools?

Background: Most NM charter schools set 400 as their enrollment cap because of the funding advantage currently afforded to small schools (15% on average). A traditional public school has to accept every student who lives in the district. The NM funding formula is designed to aid small rural districts by giving them more funding per student because they lack economy of scale. NM statute 22-8-23.1 appears to bar charters in districts of more than 4,000 students from receiving size-adjustment aid, but the NM Public Education Department contends the supplemental funding small charter schools get is allowable and justifiable. In a 2011 evaluation of the funding formula, Legislative Education Study Committee and the Legislative Finance Committee staff said the Charter Schools Act was never amended to explicitly include that provision. Example: Rio Rancho Public Schools receive \$7,106 per student while Rio Rancho charter schools receive \$9,452 per student. https://www.nmlegis.gov/handouts/ALESC%200 71316%20Item%208%20Charter%20School%20 Expansion,%20LESC%20Brief.pdf

9. While some charter schools serve fewer "at-risk" students than their traditional school counterparts, other charter schools serve as drop-out recovery schools. Some students at drop-out recovery schools are adults working on their high school credentials. Should NM define "school age" to include an upper age limit for student enrollment in public schools?

Background: Federal law (the Individuals with Disabilities Education Act of 2004, 20 USC *§1400 et seq.) requires public schools to serve* students with certified disabilities who have not completed high school through age 21. New Mexico has no definition of school age, so many charter schools are serving adults seeking high school diplomas (rather than high school credentials formerly known as GEDs). In New Mexico, a "school-age person means a person who is at least five years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent. A maximum age of twenty-one shall be used for a person who is classified as special education membership as defined in Section 22-8-2 NMSA 1978 or as a resident of a state institution." Many charter schools serve adults seeking high school diplomas rather than high school credentials (formerly known as GEDs).

Pros

Adult students can attend adult education classes and obtain their high school credentials (formerly known as GEDs) at approximately \$350 per year rather than approximately \$8,000 per year for a high school diploma. Some charter schools serving adult students have lax attendance requirements for these adults, who often take years to graduate. A small percentage of the adults attending charters complete their diplomas, but charters encourage them to keep trying because they receive funding as long as these adult students are enrolled.

Cons

Students may seek a high school diploma instead of the GED or high school credential because some employers give preference to the diploma.

In addition to studying the high school curriculum, adults in charter schools rather than Adult Education classes may learn additional skills that help them function better in society. One nationally recognized example is the innovative Gorden Bernell Charter School in Albuquerque, which has transformed the lives of many adult drop-outs incarcerated in Bernalillo County Jail. 10. Currently the "at-risk" multiplier index of the public school funding formula is calculated for all the schools within a district's boundary. Should the at-risk index be calculated on the actual enrollment at each school, which would allow drop-out recovery schools with a high proportion of at-risk students to receive more financial support than schools with a less needy student body?

Overview of NM's Public School Funding Formula: https://www.nmlegis.gov/lcs/lesc/lescdocs/briefs/ October2007/Item%205-OVERVIEW%200F%20PS%20FUNDING%20F ORMULA.pdf

VIRTUAL (ONLINE) SCHOOLS

11. Should public funding for virtual schools be less per student since the schools require less infrastructure?

Background: Virtual schools require less overhead funding than brick-and-mortar schools. In NM, they receive more funding per student than traditional schools, but are not producing good academic results. In addition to the formula funding costs, NM is spending over \$4.5 million on contracts with for profit, out-ofstate contracting companies, Pearson and K12Inc. For example, South Valley Academy, a brick-and-mortar charter school, spent 82 percent of total operational expenditures on salaries and benefits in FY15 while NM Virtual Academy (K12Inc) only spent 33 percent.

See data on NM Connections Academy, which has an F grade and a student/teacher ratio of 52:1 and the Legislative Education Study Committee Brief on Virtual linked below.

https://www.nmlegis.gov/handouts/ALESC%200 91416%20Item%202%20School%20Fact%20Sh eet%20-%20NM%20Connections%20Education%20Sept %202016.pdf

https://www.nmlegis.gov/handouts/ALESC%200 91416%20Item%2010%20Virtual%20Charter% 20Schools%20funding%20and%20accountabilit y.pdf

ORGANIZATIONAL QUESTIONS

12. Should NM develop an effective performance-based accountability system for charter schools focused on increased proficiency, growth, and college/career readiness and ensure that charter schools demonstrate positive student outcomes before being allowed to grow?

13. Should the Public Education Department have the clear, sole authority to grant, renew, and revoke state charter school contracts?

14. Should the Public Education Commission serve in an advisory role, setting evaluation standards for authorizing, renewing, and revoking contracts for all charter schools and helping to determine budget and other priorities for new charter schools?

Background: New Mexico divides the authority over state charter schools between the Public Education Commission (PEC), a 10-member regionally elected board, and the Public Education Department (PED). The PED is the state agency that oversees and funds all public schools. It employs 20 people in the Charter School Division and uses staff from other areas as well. It's headed by the Secretary of Education, who is appointed by the Governor. Since its inception in 2007, the PEC has been allowed to authorize state charter schools without regard to budget availability and without consistent quality standards. Tension between the PEC and the PED has escalated, partly caused by the competing structures and this divided authority. The PEC has no budget and no staff and is not part of the budget appropriation process. To better serve the interests of students and taxpayers, the National Association of Charter School Authorizers is recommending that NM have one entity with "strong performance management tools" authorize and oversee state charter schools.

Charter School Study Committee



LEAGUE OF WOMEN VOTERS OF LOS ALAMOS MEMBERSHIP FORM

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The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

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