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Testimony to be provided to the Committee on Health, Education, Labor, and Pensions by Dr. Veronica C. Garcia, Secretary of Education –New Mexico

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Good Morning,

I'd like to thank Senator Jeff Bingaman for his invitation to speak to this committee on a topic that is crucial as we continue to move educational reform forward not only for the state of New Mexico but for our entire country. Let me preface my remarks by saying that I truly believe in the spirit of No Child Left Behind. I agree that for years we have continued to see children based on where they live to continue to lag behind on their educational attainment. While members of various ethnic groups have been at the bottom of the achievement gap I contend that the issue is related more so to poverty and to the individual's facility with the English Language than their ethnicity. Therefore, English Language Learners and poor children have significant hurdles in attaining proficiency. This is particularly true for our Native American Students who many live in rural isolated areas of the state and may not be proficient in English when they enter school.

NCLB focuses on accountability. However, I believe that it needs to add to its focus the impacts of poverty and what can be done at the federal level to help states ameliorate the impacts of poverty through other initiatives that will help support our students; such as: pre-k, breakfast in the schools, after school enrichment programs, recruitment of highly qualified teachers to hard to recruit areas, etc.

This morning, I will share with you specific recommendations that I believe need to be made to NCLB if we are to have a fair system of accountability. Further, the program must be adequately funded. Three years ago New Mexico participated in a consortium of states and at that time found that NCLB was under-funded in New Mexico by millions of dollars. As more schools are identified in need of improvement the dollar amount continues to increase. Schools that serve high numbers of Native American Students have NCLB designations as corrective action or restructuring schools and need additional support yet we do not have adequate funding to provide them the support they deserve.

In general these are areas of NCLB that must be addressed:

- Increase fairness by moving from a pass/fail model to one that provides meaningful information to parents and communities about their schools. AYP designations by themselves are misleading. We need a graduated system or ranking that recognizes when a school is a high performing school yet perhaps missed AYP due to say a participation rate in one area.

- Increase fairness by providing appropriate assessments and timelines for proficiency for English Language Learners and Special Education students. This is particularly important for Native American Students. Many of these children come from nations that do not have a written language. It becomes even more difficult for these children to be tested when they haven't mastered proficiency in English. Secondly, under NCLB children must take the test in mathematics in English regardless of their English proficiency level. In New Mexico, our standards based assessment requires a significant amount of reading due to the inclusion of word problems. This puts students who are not proficient in English at a distinct disadvantage.
- Increase fairness by recognizing the growth made by struggling schools that have improved. New Mexico has not been eligible to apply to utilize a growth model. It is our hope that we will be given an opportunity to apply. The ability to use growth was limited to ten states that had longitudinal data and a data system that would support the utilization of a growth model. New Mexico is now in a position to apply but we are not clear if the 10 state limit is still in effect.
- Provide financial incentives to school districts to move their best and brightest teachers to schools of highest need. Many of our Native American students live out in very rural and isolated areas of the state. Many new teachers are looking for a lifestyle that is more consistent with an urban setting (e.g. Starbucks, movie theaters, night life, etc.) We need support from the federal government financial incentives that districts can provide to help recruit top notch teachers to these underserved communities.
- Provide more support and technical assistance to states on best practices and improvement models. There needs to be more support to states to encourage the dissemination of best practices not only within New Mexico but around the country. I believe that we have made some gains here in New Mexico with the implementation of the Indian Education Act that could be of service to other states that serve high populations of Native American students.
- **Change the order of tutoring and choice by providing support to improve the performance of the school.** Hold after school providers to greater accountability and performance outcomes.
- Provide financial support to increase school day and school year to our neediest schools.
- Provide financial incentives to states that provide quality professional development to its teachers based on best practices for teaching. We need training for teachers in cultural sensitivity if we are going to meet the needs of our Native American Students.
- Provide financial incentives to states that can demonstrate strong partnerships between k-12, higher education and the business community to improve the states educational systems. There also needs to be the creation of an infrastructure that will support stronger communication between the BIA schools and the public schools as many of our students move back and forth between the systems.

- In New Mexico we have the Indian Education Act that supports the maintenance of language and culture and the provision to teach it in our schools. The tribes and pueblos certify that individuals within their communities have the skills to impart this knowledge and through an MOU process the Public Education Department credentials them to teach language and culture in the public schools. However, there is no provision under NCLB for testing these children in accordance with language and culture. Further, President Bush signed an executive order that NCLB for Native American students needed to be implemented in recognition of the language and cultural differences. Yet to this day, the states have been unable to get guidance from either the Departments of the Interior or Education. This is a critical factor for New Mexico as there is a strong sentiment that an indigenous evaluation of competence be developed for Native American students dependent on the needs of each tribe and pueblo. While this is a complex issue it is one that must be addressed.
- NCLB is most easily implemented in a large urban district. It is very difficult to implement in rural isolated areas. For example, restructuring becomes very difficult. Where do displaced teachers go and where do we find the teachers to replace them? Secondly, it is more difficult to meet the requirements for HQT in these communities where often teachers must wear multiple hats and teach several content areas. There need to be more flexible ways to demonstrate competence for teachers who choose to commit to teach in these hard to recruit environments.
- Lastly, it would be wonderful if there were federal incentives to grow your own teachers from Native American communities. The advantages of having teachers who understand the language, culture, and social mores of a community would have a head start in relating to the young people they teach. They would serve as excellent role models and I think could serve an integral component in helping closing the achievement gap for our Native American Students.

I thank the committee for the opportunity to provide testimony regarding the education of our Native American Students and NCLB. I am very committed to providing leadership to close the achievement gap but we must ensure that we are implementing strategies that help support Native American Students. What I hear from community conversations that I've had in Indian Country is that the current system often demoralizes them by testing them and labeling them in a manner that is unfair to them and their communities. I am committed to working with you to find solutions.

Truly,

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