

LEAGUE OF WOMEN VOTERS® OF CENTRAL NEW MEXICO

2315 San Pedro Drive NE, Suite F-6 ♦ Albuquerque, NM 87110-4158 ♦ 505.884.8441 ♦ www.lwvnm.org ♦ https://www.facebook.com/LWVCNM

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The VOTER

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Common Cause to Present Perspectives on Voting and Elections to LWVCNM in October

Viki Harrison, Executive Director of Common Cause NM, will discuss Perspectives on Voting and Elections during the October LWVCNM Luncheon Unit, which will be held Thursday, 10/13/16, 11:45 am, at the MCM Elegante Hotel (2020 Menaul Blvd NE).

Common Cause, a nonpartisan citizens' lobby organization founded in 1970 with a tax-exempt 501c(3) Education Fund, supports many issues which LWV also has studied and defined positions including: Money in Politics, Voting and Elections Voting Rights, Registration and Voting Systems, Redistricting, National Popular Vote, and Ethics. LWVUS, state. and local league program efforts 2016-18 feature the **"Campaign for Making Democracy Work: Protecting Voters, Educating and Engaging Voters, Reforming Money in Politics, and Defending the Environment."** The League has worked to foster civic engagement and enhance access to the vote since our organization was founded in 1920. LWV and Common Cause have advanced as Coalition Partners in advocacy of specific legislation promoting government improvements on numerous occasions.

Viki Harrison joined Common Cause NM as Executive Director in 2012. She manages the Common Cause state office in Albuquerque, organizes and coordinates legislative programs, conducts research, directs fundraising initiatives and serves as a lobbyist. Before joining Common Cause, Viki was Executive Director of NM Repeal, where she led a successful campaign to abolish the death

penalty in New Mexico. Earlier in her career, she was the program manager for Animal Protection of New Mexico. Viki graduated summa cum laude from the University of New Mexico with B.A. degrees in Women's Studies and African American Studies.

Please make reservations for the October 13th Luncheon Unit Meeting by calling the LWVCNM office (884-8441) by 10:00 am Monday, October 10th. Please specify if you would like a vegetarian meal.

LWVCNM Evening Unit – LWVNM Charter School Consensus (see separate article)

Tuesday 10/18/16, 5:45 pm (please arrive early to register), UNM Law School Room #2402, 1117 Stanford Dr. NE, Albuquerque, NM 87106



New Mexico Public Regulatory Commission Chair Espinoza to address NE Heights Unit

Commissioner Espinoza will present "Overview of the Public Regulatory Commission (PRC) and NM Efforts to address the US Clean Power Plan." The NM PRC regulates public utilities, telecommunications, and motor carrier industries. The NM PRC promotes public safety through the offices of [State Fire Marshal](#), the [Firefighter Training Academy](#), [Pipeline Safety Bureau](#) and [Transportation Division](#).

LWVNM conducted a study of the NM PRC 2013 which discussed qualifications and selection of commissioners, corruption concerns, needed changes in funding, and improving representation of consumer interests (full text available at nmprc.state.nm.us), *continued on page 2*

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https://www.facebook.com/LWVCNM

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Administrative Coordinator**
Margaret Guinn Magee
mageelwvcnm@gmail.com

Office Hours
September 5 - 30
Monday - Friday
10 am to Noon

October 2016

Thursday, October 6th 5:30 pm Board Meeting
Landmark Apartments, Library
6303 Indian School Rd NE

Monday, October 10th 10:00 am Luncheon Reservation Deadline

Thursday, October 13th 11:45 am Luncheon Meeting
MCM Eleganté Hotel Albuquerque
2020 Menaul NE

Tuesday, October 18th 5:45 pm Evening Unit
(please arrive early to register)
UNM Law School Room #2402
1117 Stanford Dr. NE, Albuquerque, NM 87106

Monday, October 24th 10:00 am NE Heights Unit
La Vida Llena
10501 Lagrima de Oro Road NE

Commissioner Espinoza represents District 3 and chairs the PRC Wildfire Task Force. Previously Espinoza served as Santa Fe County Clerk 2004-12; Executive Office Administrator, Office of the Deputy Associate Laboratory Director, Los Alamos National Laboratory 1984-2004; and as a supervisor 1979-84 in the NM Office of the Secretary of State.

The NE Heights Unit will meet Monday, October 24, 2016 at 10:00 am at La Vida Llena, 10501 Lagrima de Oro NE.

2016 New Members

April Alexander
Robert & Bonito Benko
Susan & Earl Broidy
Joy Garratt
Jami Hart
Torild Kristiansen
Mary MacGyver

Carol Merrill
David Percival
Cindy Pierard
Donna Rigano
Esther Shir
Jacquelyn Sommers
Betsy Swan

Membership

All renewal notices were mailed to members last month. If you have not already sent yours in, please fill it out and return it as soon as possible. Also, don't forget to make any corrections in the membership information that is on the form. The contact information that's printed there will be used in the directory section of the 2017 Member Handbook. (The handbook is for CNM members' use only. The League does not share your information with any other organization.) If the information on the renewal form is correct, you may pay dues with PayPal or a credit card by way of the Join/Renew option at the LWVCNM website:

www.lwvcnm.org

Please contact me if you have any questions or concerns.

Gail Owens

owensabq@yahoo.com

home - (505) 821-1133 cell - (505) 270-2482

Rae Dezettel Perls, died on July 30 after a lengthy battle with breast cancer. She was 79. In the role of activist, Rae was "fearless in taking on the powers that be," and did not allow people to "run over her."

Rae was an early board member of the Albuquerque Rape Crisis Center and served on the board of Jewish Family Services. She was also active with the La Luz Landowner's Association and worked with the Westside Coalition of Neighborhood Associations to fight Wal-Mart's attempt to build a big box store at Montañño and Coors NW. She is famously remembered telling Wal-Mart officials that their revised plan to placate area residents was nothing more than "lipstick on a pig." Rae joined LWVCNM in 1987.

Democracy is not a spectator sport

LWVCNM Schedules Charter School Consensus Meeting October 18th

The 2015 LWVNM Convention adopted the Charter School Study with initial comparison of NM concerns to similar LWV Charter School study results across the states. Dr. Meredith Machen, LWVNM President, serves as Study Committee Chair with Laura Stokes representing LWVCNM. The four NM Local leagues are all conducting Charter School Consensus Meetings during October 2016. The LWVCNM Meeting will be held at the UNM Law School, Room #2402, 1117 Stanford Dr NE, 87106 (free parking). Registration will be open at 5:30 pm followed by the Consensus Meeting from 5:45-7:30 pm.

Background information for LWVCNM member consideration prior to the October 18th Consensus meeting should include the following Charter School Study Committee Updates from La Palabra:

- Summer 2015 La Palabra, Program, p.8 - study initiation
- Winter 2016 La Palabra, Charter School Study Update, pp. 5-7
- Spring 2016 La Palabra, Charter School Study Update, p.11
- Summer 2016 La Palabra, Charter School Study Update, pp. 11-14

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. 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

Continued from page 3 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: The 2016 evaluation report of NM’s charter schools by the federally-funded National Association of Charter School Authorizers (NACSA) recommended that NM clearly define minimum academic, operational, and financial performance standards and implement an automatic closure policy. 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 ACCOUNTABILITY & TRANSPARENCY

5. a. Should the Legislature determine a set operating budget that can be used for charter schools, espe-

cially 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/ALESCminJul13.16.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 <https://www.nmlegis.gov/handouts/ALESC%20081716%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 sub-par 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%20081716%20Item%204%20PSFA%20Annual%20Report_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%20071316%20Item%208%20Charter%20School%20Expansion,%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%20OF%20PS%20FUNDING%20FORMULA.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-of-state 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%20091416%20Item%202%20School%20Fact%20Sheet%20-%20NM%20Connections%20Education%20Sept%202016.pdf>

<https://www.nmlegis.gov/handouts/ALESC%20091416%20Item%2010%20Virtual%20Charter%20Schools%20funding%20and%20accountability.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

Book Review

Primary Politics: Everything You Need to Know About How America Nominates Its

Presidential Candidates by Elaine C. Kamarck, 2016, Brookings Institute Press, 220 pages.

The presidential nominating process is a critical part of our political process. This book, by an insider now with the Brookings Institute, describes how the process has evolved since the 1972 reforms, how it affects the candidates' strategies, how strong candidates try to change the process (especially the schedule) to their advantage, the various affects of the reforms to the process, and identifies some future proposed changes.

The news coverage focuses on the results, but this book focuses more on the processes and strategies behind the headlines. For example, early in the process the goal is winning states, but later it shifts to winning delegates. Then delegate selection, whether winner take all or proportional representation, is a critical issue. The Republicans have primarily stayed with winner take all for two reasons – state's rights, i.e. let the state parties decide, and the electoral college is a winner take all system. The Democrats have mandated proportional representation after reforms led by activists that felt left out when they might get 30 or 40 percent of the vote but no delegates. As a result the Republican candidate is usually selected early in the process, while the Democrat usually faces a long drawn out primary since wins in big states often net them only a few more delegates than their opponent. In effect, proportional representation rewards candidates who don't win but come close. This may not be ideal. It depends on your criteria.

Iowa and New Hampshire have a major effect on the process because they are first, and both states fight to maintain that position. However, they are two very small states and not at all typical of the rest of the country, but they have a disproportionate impact on candidate selection. A early loss here by any candidate, even a front runner, can be fatal. A win by a relatively unknown candidate can begin a bandwagon, especially if there is a long period before the next set of primaries. On the other hand, a relatively quick next primary gives an unknown little time as a front runner to build up money and support. Some favor a long period to give lesser known candidates a better chance. Others question why you would

want to provide such an advantage to a relatively unknown and by implication less experienced and qualified candidate for president.

After exempting Iowa and New Hampshire, both parties have tried to encourage their state parties to delay their primaries instead of front end loading them, in which case the candidates may be decided very early. The Republicans, who favor winner take all, have tried only allowing that in primaries after a certain date. The Democrats, who have mandated proportional representation, have tried not seating delegates or cutting the delegate count for states who do their primaries too early. However, they have not been very successful since the winners in those states fight for their delegates to be seated at the convention.

The process is still evolving with potential candidates trying to modify the rules in their favor. One interesting proposal, unfortunately not very likely, is to divide the states into three or four groups each having their primary in successive months starting in March or April. The difference with this approach is that the groups are selected so each is fairly representative of the country politically, demographically, and economically. This would avoid biasing the results by having very unrepresentative states start the process.

Regardless of how the process evolves, the key point to remember is that the nominating process (whether a primary or a caucus) is to select well qualified, experienced, and electable candidates. They are essentially interviewing for the job of president and you want the best candidate. Any party's process that does not get that result needs to be modified.

Olin Bray