

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 587aa

50th Legislature, 2nd Session, 2012

Tracking Number: .192783.2

Short Title: State School Grades Council

Sponsor(s): Senator Howie C. Morales and Others

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AS AMENDED

The Senate Floor Amendment strikes the word “index” after the teacher training and experience reference in the opportunity to learn section, and replaces it with the word “indicators.”

The Senate Education Committee amendment adds a reference to the *Assessment and Accountability Act* as a context for the standards-based assessments.

Original Bill Summary:

SB 587 amends the *Public School Code* to:

- create a 21-member State School Grades Council to study and make recommendations on school grading, with three members from each of the following categories:
 - classroom teachers;
 - instructional support providers;
 - principals;
 - superintendents;
 - local school boards;
 - charter schools; and
 - other educational experts, business or community leaders, or other interested persons;

A member of the council from each category is appointed by the Governor, the Speaker of the House, and the President Pro Tempore of the Senate, with input from the minority floor leaders of each house.

For school years 2013-2014 and 2014-2015, SB 587:

- defines a number of terms, among them:
 - “grade factor” means an element of a public school environment that is used to calculate a school’s grade; and
 - “standards-based assessments” means those tests administered annually to students in grades 3, 4, 5, 6, 7, 8, 10, and 11; among others.

- identifies several grade factors such as:
 - “current standing,” which measures the current year’s student assessment results;
 - “opportunity to learn,” which measures student participation in extracurricular activities, attendance and truancy rates, and teacher training and experience indicators; among others.
- requires the Public Education Department (PED) to share the data with schools and districts before releasing the grades;
- calculates school grades using the following components:
 - 33 percent of an elementary, middle, or high school grade is composed of the standards-based assessment;
 - 34 percent of an elementary and middle school grade is composed of the opportunity to learn and in high school is composed of the graduation rate and college- and career-readiness; and
 - 33 percent of an elementary, middle, or high school grade is composed of the opportunity to learn;
- requires PED to promulgate new rules according to those provisions;
- prohibits school grades from being used in school or principal evaluations until a new school grading system is enacted;
- requires that schools be graded using cohorts grouped according to prescribed criteria; and
- prescribes weights that PED must assign to certain criteria.

Finally, the bill:

- requests that the State School Grades Council report periodically to the Legislative Education Study Committee (LESC), and the Legislative Finance Committee (LFC) and provide a final report to the LESC by November 1, 2014, including recommendations for legislation to implement a new grading system; and
- repeals the *A-B-C-D-F Schools Rating Act* (see “Background,” below).

Fiscal Impact:

SB 587 does not contain an appropriation. However, given the per diem and mileage reimbursement clause included in the bill, the State School Grades Council may require an appropriation of approximately \$25,000.¹

Substantive Issues:

Throughout the 2012 interim, the LESC heard testimony about the school grading system, as provided both in statute (see “Background,” below) and PED rule. This testimony addressed

¹ This estimate is based on the Public Education Commission (PEC) budget. The transcript of the June 27, 2012 meeting shows a travel reimbursement budget for all 10 members totaling \$25,000. This budget allows the commission to meet eight times a year. Although SB 587 contains no in-person meeting requirement, if the 21-member council chooses to meet in person quarterly (a total of four times a year) and decide to supplement these meetings with electronic communication, it could be assumed that the council would incur a cost similar to that of the PEC and require an appropriation totaling \$25,000 for travel (per diem and mileage) reimbursement.

basic provisions, the calculation of the school grades, the assignment of preliminary and final grades, the instructional audits that resulted from the grades, and issues and questions in general.

While this testimony covered a wide range of topics and details and addressed some questions and concerns, a number of other aspects of the A-F grading system remained unclear or unresolved, among them:

- the short timeline for implementation of the school grading system;
- the means through which the grading system addresses circumstances beyond a school’s control, such as the effects of poverty and the high percentages of English language learners;
- lessons learned from the pilot schools;
- the uses and validity of the value-added model;
- the role of the New Mexico School Leadership Institute;
- the way in which appeals of school grades are handled;
- the need for more guidance from PED to make the A-F school grading system understandable and useful;
- the status and provisions of the PED *School Grading Technical Guide* and the need for a peer review of the guide by educational statisticians; and
- the interventions for D and F schools and the role of a turnaround program at the University of Virginia.

SB 587 addresses a number of these points. More details about four of the issues appear below.

School Grades

In 2012, PED released several grade reports reflecting the changes PED implemented in the grade calculations during school year 2011-2012. Preliminary grades were issued in January 2012, final grades in July, and post-appeal grades in October.² The table below illustrates the fluctuation between the school grade reports, for example the number of schools graded an A dropped by 34 schools from the preliminary grades to the final grades (from column C to column B) and added two additional A schools from the final grade to the post appeal grades (from column B to column A).

	A	B	C
School Grades Released in 2012			
Grades	Post Appeal Totals	Final Grade Totals	Preliminary Grade Totals
A	41	39	73
B	203	197	191
C	273	275	266
D	250	250	204
F	64	69	88
Unknown	2	3	7
Pending	0	0	4
Source: Public Education Department Website - School Grading			

² LECS staff obtained the public report in October 2012; however schools were notified in private by July 30, 2012.

Value-added Models

Some authorities have questioned the usefulness of the value-added model. For example, according to a 2010 report by the National Academies Press (also known as the National Academy of Sciences) value-added models are not reliable predictors of student achievement because:

- student test scores are the primary variable used in value-added analyses which measure student learning based on patterns in test performance over time, and often test scores cannot support the inferences made during the value-added analyses;
- tests may not be covering enough of what teachers are actually teaching;
- of errors associated with test scores and the lack of knowledge of what the tests are measuring; and
- measuring growth and analyzing test results based on scale scores is too complex.

Reliance on Standards-based Assessments

During the 2012 interim, the LESC reported that 90 percent of the school grade for an elementary and middle school was based on the New Mexico Standards-Based Assessment, as illustrated by the chart below by adding the points from rows one through four.

Elementary and Middle School Grading System Matrix				
School Grade: Indicators and Points	Elementary & Middle Schools	Points		
<u>Current Standing</u>	Percent Proficient	25	40	1
Conditional Status How did students perform in the most recent school year?	Value added accounting for a school's student characteristics for the past 3 years.	15		
<u>School Growth</u> In the past 3 years did schools increase grade level performance?	Value added accounting for a school's student characteristics for the past 3 years.	10	10	2
<u>Growth of Highest Performing Students</u> How well did the school help the top 75% of individual students improve?	Individual student growth model using 3 years of student performance.	20	20	3
<u>Growth of Lowest Performing Students</u> How well did the school help the lowest 25% of individual students improve?	Individual student growth model using 3 years of student performance.	20	20	4
Opportunity to Learn Does the school foster an environment that facilitates learning?	Attendance for all students	5	10	
	Classroom survey	5		
Total			100	
Student and Parent Engagement Does the school encourage students and parents to be involved?		Bonus Points	+5	

Additionally, in high school the New Mexico Standards-Based Assessment accounts for 60 percent of the school grade, as illustrated by the chart below by adding the points from rows one through three.

High School Grading System Matrix				
School Grade: Indicators and Points	High Schools	Points		
Current Standing	Percent Proficient	20	30	1
Conditional Status How did students perform in the most recent school year?	Value added accounting for a school's student characteristics for the past 3 years.	10		
School Growth of Highest Performing Students How well did the school help the highest 75% of individual students improve?	Value added accounting for a school's student characteristics for the past 3 years.	15	15	2
School Growth of Lowest Performing Students How well did the school help the lowest 25% of individual students improve?	Value added accounting for a school's student characteristics for the past 3 years.	15	15	3
Graduation How does the school contribute to on-time graduation and improve over time?	Percent graduating in 4 years	8	17	
	Percent graduating in 5 years	4		
	Value added model of school growth, estimating growth over the past 3 years.	5		
Career and College Readiness Are students prepared for college and career and what lies ahead after high school?	Percent of all students that participated in one of the alternatives	5	15	
	Percent of participants that met a success benchmark	10		
Opportunity to Learn Does the school foster an environment that facilitates learning?	Attendance for all students	3	8	
	Classroom survey	5		
Total			100	
Student and Parent Engagement Does the school encourage students and parents to be involved?		Bonus Points	+5	

Interventions for D and F Schools

The *General Appropriation Act of 2012* included an appropriation of \$3.5 million to PED for interventions of low-performing schools (D and F schools). According to a 2012 interim report of the LESC, PED anticipated the following expenditures:

- \$150,000 for professional development of teachers, reading coaches, and administrators;
- \$2,550,000 for professional development of school and district leaders to attend the University of Virginia's School Turnaround Specialist Program (UVA-STSP), which 10³ schools or programs from New Mexico have attended;
- \$300,000 on a contractor to provide a comprehensive review of D and F school budgets to identify efficiencies and cost savings (as of December 17, 2012, the contract was an open Request for Proposals); and
- \$500,000 for unidentified PED costs.

³ Of the participating schools, a total of five schools received a grade of a D according to the final school grades; the other five schools were either a C or were not graded.

The chart below identifies the UVA-STSP participants from New Mexico:

NEW MEXICO DISTRICTS AND SCHOOLS PARTICIPATING IN UVA-STSP								
Pre-work in the district, including District Boot Camp at UVA	Dates Schools are in Program	District	School Name	District Team Member (attends all)	School Team Members (attends January only)	Preliminary Grade (January 2012)	Final Grade (July 2012)	
Spring 2011	July 2011- June 2013	Grants-Cibola County Schools	Laguna/Acoma Jr/Sr High	2	3	D	C	
Spring 2012	July 2012 - June 2014	Las Cruces Public Schools	Conlee Elementary		3	F	C	
Spring 2012	July 2012 - June 2014	Las Cruces Public Schools	Doña Ana Elementary		3	D	C	
Spring 2012	July 2012 - June 2014	Las Cruces Public Schools	JUMP		3	program is not graded		
Spring 2012	July 2012 - June 2014	Las Cruces Public Schools	Mesa Middle	3	3	D	D	
Spring 2012	July 2012 - June 2014	Las Cruces Public Schools	Valley View Elementary		3	F	D	
Spring 2012	July 2012 - June 2014	Los Lunas Public Schools	Ann Parish Elementary		3	F	D	
Spring 2012	July 2012 - June 2014	Los Lunas Public Schools	Century High		3	F	D	
Spring 2012	July 2012 - June 2014	Los Lunas Public Schools	Los Lunas High		3	D	D	
Spring 2012	July 2012 - June 2014	Los Lunas Public Schools	Valencia High		3	3	C	C
TOTAL NO. OF PARTICIPANTS BY CATEGORY:		3	10		8	30	N/A	N/A

Background:

In 2011, legislation was enacted that, beginning in school year 2011-2012, created a new public school accountability system, to operate in addition to, and separate from, the existing adequate yearly progress (AYP) system created in state and federal law.

Among its provisions, the legislation requires that:

- all public schools be graded annually on an A-F scale;
- the rating scale for elementary and middle schools include factors such as student proficiency and growth in reading and mathematics, as well as growth of the lowest 25th percentile of students;
- the rating scale for high schools include additional academic indicators such as high school graduation rates and growth in those rates as well as advanced placement and international baccalaureate courses, dual enrollment courses, and SAT and ACT scores;

- parents of a student in a public school rated F for two of the last four years have the right to transfer the student to any public school in the state not rated an F, or continue schooling through the statewide cyber academy;⁴
- PED ensure that a local school board or charter school governing body is prioritizing the resources of a public school rated D or F toward proven programs and methods linked to improved student achievement until the school earns a grade of C or better for two consecutive years; and
- school options available pursuant to this legislation be in addition to any remedies provided for in the *Assessment and Accountability Act* for students in schools in need of improvement or any other interventions prescribed by the federal *No Child Left Behind Act of 2001*.

Committee Referrals:

SEC/SFC/HEC

Related Bills:

SB 370 *School Rating Modified Assessment Formula*

SJM 34 *Study A-F School Grading System* (Identical to HJM 29)

HB 215 *Remove School AYP & Funding Incentives*

HJM 29 *LESC A-F School Grading System Study* (Identical to SJM 34)

HJM 30 *Study Uses of Standardized Test Scores*

⁴ The school district or charter school in which the student is enrolled is responsible for the cost of distance learning.