

HOUSE BILL 163

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Debra M. Sariñana and Angelica Rubio and Miguel P. Garcia

AN ACT

RELATING TO COMPULSORY SCHOOL ATTENDANCE; DISCOUNTING A
STUDENT'S TEST SCORES FOR A SCHOOL'S GRADE OR A TEACHER
EVALUATION IF THE STUDENT HAS TOO MANY UNEXCUSED ABSENCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-2E-4 NMSA 1978 (being Laws 2011,
Chapter 10, Section 4, as amended) is amended to read:

"22-2E-4. ANNUAL RATINGS--LETTER GRADES--RATINGS BASED ON
STANDARDS-BASED ASSESSMENTS--RIGHT TO SCHOOL CHOICE--DISTANCE
LEARNING--RESPONSIBILITY FOR COST--USE OF FUNDS--ADDITIONAL
REMEDY.--

A. All public schools shall be graded annually by
the department.

B. Except as otherwise provided in this section,
the department shall assign a letter grade of A, B, C, D or F

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1 to each public school pursuant to criteria established by
2 department rules, after input from the secretary's
3 superintendents' council, that include as a minimum a
4 combination of the following factors in a public school's
5 grade:

6 (1) for elementary and middle schools:

7 (a) student proficiency, including
8 achievement on the New Mexico standards-based assessments;

9 (b) student growth in reading and
10 mathematics; [~~and~~]

11 (c) growth of the lowest twenty-fifth
12 percentile of students in the public school in reading and
13 mathematics; and

14 (d) student unexcused absences; and

15 (2) for high schools:

16 (a) student proficiency, including
17 achievement on the New Mexico standards-based assessments;

18 (b) student growth in reading and
19 mathematics;

20 (c) growth of the lowest twenty-fifth
21 percentile of students in the high school in reading and
22 mathematics; [~~and~~]

23 (d) additional academic indicators such
24 as high school graduation rates, growth in high school
25 graduation rates, advanced placement and international

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1 baccalaureate courses, dual enrollment courses and SAT and ACT
2 scores; and

3 (e) student unexcused absences.

4 C. The New Mexico standards-based assessments used
5 for rating a public school are those administered annually to
6 students in grades three, four, five, six, seven, eight, nine
7 and eleven pursuant to Section 22-2C-4 NMSA 1978.

8 D. A public school that actively enforces the
9 provisions of the Compulsory School Attendance Law within the
10 limits of its resources shall not be graded on the results of
11 standards-based assessments of students who had eight or more
12 unexcused absences in the school year.

13 [~~D-~~] E. In addition to any rights a parent may have
14 pursuant to federal law, the parent of a student enrolled in a
15 public school rated F for two of the last four years has the
16 right to transfer the student in the same grade to any public
17 school in the state not rated F or the right to have the
18 student continue schooling by means of distance learning
19 offered through the statewide or a local cyber academy. The
20 school district or charter school in which the student is
21 enrolled is responsible for the cost of distance learning.

22 [~~E-~~] F. The department shall ensure that a local
23 school board or, for a charter school, the governing body of
24 the charter school is prioritizing resources of a public school
25 rated D or F toward proven programs and methods linked to

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1 improved student achievement until the public school earns a
2 grade of C or better for two consecutive years.

3 ~~[F-]~~ G. The school options available pursuant to
4 the A-B-C-D-F Schools Rating Act are in addition to any
5 remedies provided for in the Assessment and Accountability Act
6 for students in schools in need of improvement or any other
7 interventions prescribed by the federal No Child Left Behind
8 Act of 2001.

9 ~~[G-]~~ H. When reporting a school's grade, the
10 department shall include student data disaggregated by
11 ethnicity, race, limited English proficiency, students with
12 disabilities, poverty and gender; provided that ethnicity and
13 race shall be reported using the following categories:

- 14 (1) Caucasian, non-Hispanic;
- 15 (2) Hispanic;
- 16 (3) African American;
- 17 (4) American Indian or Alaska Native;
- 18 (5) Native Hawaiian or other Pacific Islander;
- 19 (6) Asian;
- 20 (7) two or more races; and
- 21 (8) other; provided that if the sample of

22 students in any category enumerated in Paragraphs (1) through
23 (7) of this subsection is so small that a student in the sample
24 may be personally identifiable in violation of the federal
25 Family Educational Rights and Privacy Act of 1974, the report

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1 may combine that sample into the "other" category."

2 SECTION 2. A new section of the School Personnel Act is
3 enacted to read:

4 "[NEW MATERIAL] TEACHER EVALUATIONS--STUDENTS WITH
5 UNEXCUSED ABSENCES--TEST SCORES NOT CONSIDERED.--A teacher's
6 evaluation shall not include the standards-based assessment or
7 end-of-course examination scores of a student who has had eight
8 or more unexcused absences in the school year or four or more
9 unexcused absences in a semester."

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