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SENATE BILL 338

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Richard C. Martinez

AN ACT

**RELATING TO EDUCATION; MODIFYING HOW SCHOOL-BASED PERFORMANCE
IS TO BE ASSESSED; AMENDING SECTIONS OF THE NMSA 1978.**

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

**Section 1. Section 22-1-6 NMSA 1978 (being Laws 1989,
Chapter 308, Section 1, as amended) is amended to read:**

**"22-1-6. ANNUAL SCHOOL DISTRICT ACCOUNTABILITY REPORT
REQUIRED. --**

**A. School districts are required to publish an
annual school district accountability report to provide
district-wide data for the previous school year. The state
board shall establish the format for the accountability
reports and ensure that the relevant data is provided annually
to parents, students, educators, policymakers, legislators,
the governor and business and economic development**

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1 organizations. The department of education shall establish
2 the following five indices through which public school
3 performance shall be measured and reported to school
4 districts:

5 (1) student achievement as measured by a
6 ~~[nationally norm-referenced test]~~ standards-based assessment
7 approved by the department of education or through a
8 performance-based instrument to measure proficiency. A
9 nationally norm-referenced test may be administered to measure
10 the effectiveness of the state's system of public schools, but
11 shall not be included in the measure of student achievement
12 required by this section;

13 (2) school safety;

14 (3) the dropout rate;

15 (4) attendance; and

16 (5) parent and community involvement.

17 The department of education shall establish the
18 methodology for measuring each of the five indices.

19 B. Effective July 1, 1999, school districts
20 ~~[shall]~~ may annually administer a nationally norm-referenced
21 test or a standards-based assessment to all students enrolled
22 in a public school in grades three through nine. Only
23 students with disabilities deemed incapable of taking the test
24 as determined on their individual educational programs shall
25 be exempted from this requirement. Students who have been

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1 assessed as non-English or limited English proficient using
2 state approved language assessments and meeting required
3 thresholds shall be exempted from this test and provided an
4 alternative norm-referenced or standards-based assessment in
5 their primary language. School districts shall report the
6 following to the department of education:

7 (1) the results of the [~~norm-referenced test~~
8 ~~or~~] standards-based assessment and the norm-referenced test,
9 if administered;

10 (2) the number of enrolled students who did
11 not take the test, the school in which they are enrolled and
12 the reason for the exemption from the test; and

13 (3) separately and as part of the aggregate
14 report, the results of assessments of students enrolled in
15 special education class A, B, C and D programs who took the
16 test and the school in which they are enrolled, except in
17 cases where the number of students being reported is less than
18 ten.

19 C. School districts shall set two-, four- and six-
20 year benchmarks in each of the five indices for each public
21 school. Local school boards may establish additional indices,
22 if reviewed by the department of education, through which to
23 measure [~~the~~] a school district's performance in other areas.

24 D. The annual accountability report shall also
25 include the results of a survey of parents' views of the

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1 quality of their children's school. The survey shall be
2 conducted each year in time to include the results in the
3 annual accountability report. The survey shall compile the
4 results of a written questionnaire that shall be sent home
5 with the students to be given to their parents. The survey
6 may be completed anonymously. The survey shall be no more
7 than one page, shall be clearly and concisely written and
8 shall include not more than twenty questions that shall be
9 answered with options of a simple sliding scale ranging from
10 "strongly agree" to "strongly disagree" and shall include the
11 optional response "don't know". The survey shall also include
12 a request for optional written comments, which may be written
13 on the back of the questionnaire form. The questionnaire
14 shall include questions in the following areas:

- 15 (1) parent-teacher-school relationship and
16 communication;
- 17 (2) quality of educational and
18 extracurricular programs;
- 19 (3) instructional practices and techniques;
- 20 (4) resources;
- 21 (5) school personnel, including the school
22 principal; and
- 23 (6) parents' view of teaching staff
24 expectations for the students.

25 The state board shall develop no more than ten of the

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1 questions, which shall be reviewed by the legislative
2 education study committee prior to implementation. No more
3 than five questions shall be developed by the local school
4 board and no more than five questions shall be developed by
5 the staffs of each individual school site; provided that at
6 least half of those questions shall be developed by teachers
7 rather than administrators, in order to gather information
8 that is specific to the particular community surveyed. The
9 questionnaires shall indicate the public school site and shall
10 be tabulated by the department of education within thirty days
11 of receipt and shall be returned to the respective schools to
12 be disseminated to all parents.

13 E. The annual accountability report shall also
14 include a report of all federal funds distributed directly to
15 the school district or received by the district from the
16 department of education. For each distribution, the purpose
17 for which the money was received shall be stated with a
18 detailed accounting of the purposes for which the funds were
19 expended.

20 F. The annual accountability report for each
21 school district shall be adopted by the local school board,
22 may be published no later than November 15 of each year and
23 may be published at least once each school year in a newspaper
24 of general circulation in the county where the school district
25 is located. In publication, the report shall be titled "The

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1 School District Report Card" and disseminated in accordance
2 with guidelines established by the state board to ensure
3 effective communication with parents, students, educators,
4 local policymakers and business and community organizations.

5 G. The department of education shall create an
6 accountability data system through which data from each public
7 school and each school district may be compiled and reviewed.
8 The department of education shall provide the resources to
9 train school district personnel in the use of the
10 accountability data system.

11 H. The department of education shall verify data
12 submitted by the school districts.

13 I. The state board shall measure the performance
14 of every public school in New Mexico. Public schools
15 achieving the highest level of performance shall be eligible
16 for supplemental incentive funding.

17 J. The state board shall establish the corrective
18 actions and interventions necessary for public schools whose
19 performance level is low. These public schools shall be
20 labeled as high-priority schools and shall be eligible for
21 supplemental funding. The state board shall ensure that local
22 school districts prioritize resources to meet the unique needs
23 of the students of high-priority schools. The state board
24 shall also develop strategies to recruit and retain faculty
25 and staff with the expertise to meet the unique needs of

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1 students at high-priority schools. The state board shall not
2 adopt regulations for corrective actions and interventions
3 that remove high-priority schools from accountability to
4 public bodies and shall not adopt regulations that allow for
5 private management of high-priority schools. Regulations for
6 corrective actions and interventions shall give a preference
7 to the least costly and least burdensome regulatory
8 requirements. The state board shall base all corrective
9 actions and interventions upon the best scientific, technical
10 and economic information that can reasonably and affordably be
11 obtained. The state board shall prescribe requirements that
12 allow high-priority schools flexibility and that encourage
13 innovation for meeting legislative or regulatory requirements
14 and objectives. The state board shall also make assessments
15 of the costs and benefits of proposed corrective actions and
16 interventions for high-priority schools and school districts.

17 [J.—The] K. A school district shall submit a copy
18 of its annual accountability report to the legislative finance
19 committee, the legislative education study committee and the
20 library of the legislative council service. "

21 Section 2. Section 22-13A-2 NMSA 1978 (being Laws 1989,
22 Chapter 137, Section 2, as amended) is amended to read:

23 "22-13A-2. PURPOSE. --The purpose of the Incentives for
24 School Improvement Act is to provide financial incentives to
25 individual schools that exceed expected academic performance

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1 and to provide resources to schools in need of improvement. "

2 Section 3. Section 22-13A-3 NMSA 1978 (being Laws 1989,
3 Chapter 137, Section 3) is amended to read:

4 "22-13A-3. DEFINITIONS. --As used in the Incentives for
5 School Improvement Act:

6 A. "department" means the state department of
7 public education;

8 B. "fund" means the incentives for school
9 improvement fund;

10 C. "high-priority schools" means schools
11 determined to have low performance levels as determined by the
12 state board's measure of performance;

13 [~~C.~~] D. "program" means the incentives for school
14 improvement program; and

15 [~~D.~~] E. "state board" means the state board of
16 education. "

17 Section 4. Section 22-13A-5 NMSA 1978 (being Laws 1989,
18 Chapter 137, Section 5, as amended) is amended to read:

19 "22-13A-5. PROGRAM IMPLEMENTATION-- MEASUREMENT
20 CRITERIA. --

21 A. The department shall develop a formula by which
22 to measure school achievement in the areas of academic
23 performance with consideration of socioeconomic variables.
24 The product of this formula shall take the form of a composite
25 rating assigned to each school in every school district.

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1 B. Academic performance shall be measured by:
2 (1) [~~nationally standardized test scores~~]
3 standards-based assessment;

4 (2) graduation competency scores; and

5 (3) other factors deemed relevant by the
6 department.

7 C. The socioeconomic variables shall be measured
8 by:

9 (1) the percentage of student mobility rates;

10 (2) the percentage of limited English-
11 proficient students, using criteria established by the federal
12 office of civil rights;

13 (3) the percentage of students eligible for
14 free and reduced-fee lunches; and

15 (4) other factors deemed relevant by the
16 department.

17 D. Annually, the department shall assign a new
18 composite rating to each school. The department shall compare
19 the new rating to the previous annual rating. Schools
20 increasing their composite rating shall be ranked in order.
21 The schools evidencing the greatest increase in rating shall
22 receive monetary disbursements from the fund. High-priority
23 schools also shall receive monetary disbursements from the
24 fund. "

25 Section 5. Section 22-13A-6 NMSA 1978 (being Laws 1989,
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1 Chapter 137, Section 6, as amended) is amended to read:

2 "22-13A-6. FUND CREATED. --

3 A. There is created in the state treasury the
4 "incentives for school improvement fund". The fund shall
5 consist of any state money appropriated to the fund, [any]
6 federal money allocated to the state for the purposes of the
7 Incentives for School Improvement Act, undistributed annual
8 balances and earnings of the fund and [any] gifts or bequests
9 made to the fund. The state treasurer shall invest the fund
10 as other state funds are invested. The balance remaining in
11 the fund at the end of the fiscal year shall not revert to the
12 general fund.

13 B. The fund is appropriated to the department for
14 the purpose of implementing and administering the Incentives
15 for School Improvement Act. No more than three percent of the
16 fund may be retained by the department for administrative
17 purposes.

18 C. Money in the fund other than that used for
19 administrative purposes shall be distributed directly to
20 schools evidencing the greatest improvement as determined by
21 the department, as well as to high-priority schools.
22 Disbursements to schools evidencing the greatest improvement
23 shall be made only to that number of schools constituting
24 not more than ten percent of the student membership in the
25 state. Distributions to schools evidencing the greatest

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1 improvement shall be made proportionately to schools that
2 qualify. Money from the fund received by [~~a school from the~~
3 ~~fund~~] schools evidencing the greatest improvement shall not
4 be used for salaries, salary increases or bonuses.
5 Distributions to high-priority schools shall be made
6 proportionately to all such schools, using criteria to be
7 developed by the department to implement the requirements
8 provided in Section 22-1-6 NMSA 1978. Money shall be used
9 as determined by the school principal and teachers in
10 cooperation with other school employees and the community. "

11 Section 6. EFFECTIVE DATE. -- The effective date of the
12 provisions of this act is July 1, 2002.

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