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AN ACT

RELATING TO PUBLIC EDUCATION; ADDING TO THE A-B-C-D-F SCHOOLS RATING ACT A MODIFIED ASSESSMENT FORMULA FOR SUPPLEMENTAL ACCOUNTABILITY MODEL SCHOOLS.

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

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

"22-2E-2. DEFINITIONS.--As used in the A-B-C-D-F Schools Rating Act:

A. "growth" means learning a year's worth of knowledge in one year's time, which is demonstrated by a student's performance on New Mexico standards-based assessments that demonstrates that the student:

(1) has moved from one performance level to a higher performance level;

(2) has maintained a proficient or advanced proficient performance level as provided by department rule; or

(3) has remained in beginning step or nearing proficient performance level but has improved a number of scale score points as specified by department rule;

B. "school options" means a right to transfer to any public school not rated an F in the state or to have children continue their schooling through distance learning

1 offered through the statewide or a local cyber academy; and

2 C. "supplemental accountability model school"  
3 means a public school whose enrollment includes at least  
4 seventy-five percent of one or any combination of the  
5 following:

6 (1) students with a history or family  
7 history of incarceration or extended or significant  
8 involvement in a court system;

9 (2) students with a history of gang  
10 involvement;

11 (3) students who are pregnant or have one or  
12 more children;

13 (4) students with a history of physical or  
14 mental health issues, including abuse, neglect, domestic  
15 violence, drug or alcohol use, disease or chronic or severe  
16 medical conditions;

17 (5) students with a history of school  
18 discipline issues, including suspension or expulsion;

19 (6) students with a history of inconsistent  
20 school attendance, including multiple unexcused absences and  
21 habitual truancy;

22 (7) students who withdrew from school for  
23 one or more semesters;

24 (8) students with a history of  
25 below-grade-level academic performance;

1 (9) students with a history of not meeting  
2 academic expectations pursuant to the students'  
3 individualized education plans; or

4 (10) students with a disability or other  
5 special needs."

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

8 "22-2E-4. ANNUAL RATINGS--LETTER GRADES--RATINGS BASED  
9 ON STANDARDS-BASED ASSESSMENTS--RIGHT TO SCHOOL CHOICE--  
10 DISTANCE LEARNING--RESPONSIBILITY FOR COST--USE OF FUNDS--  
11 ADDITIONAL REMEDY.--

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

14 B. The department shall assign a letter grade of  
15 A, B, C, D or F to each public school pursuant to criteria  
16 established by department rules, after input from the  
17 secretary's superintendents' council, that include as a  
18 minimum a combination of the following factors in a public  
19 school's grade:

20 (1) for elementary and middle schools other  
21 than supplemental accountability model schools:

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

24 (b) student growth in reading and  
25 mathematics; and

1 (c) growth of the lowest twenty-fifth  
2 percentile of students in the public school in reading and  
3 mathematics; and

4 (2) for high schools other than supplemental  
5 accountability model schools:

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

8 (b) student growth in reading and  
9 mathematics;

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

13 (d) additional academic indicators such  
14 as high school graduation rates, growth in high school  
15 graduation rates, advanced placement and international  
16 baccalaureate courses, dual enrollment courses and SAT and  
17 ACT scores.

18 C. The department shall assign a letter grade of  
19 A, B, C, D or F to each supplemental accountability model  
20 school pursuant to the following modified assessment formula:

21 (1) the current standing of the school shall  
22 be weighted ten points;

23 (2) the growth of the top seventy-five  
24 percent of students shall be weighted twenty points;

25 (3) the growth of the bottom twenty-five

1 percent of students shall be weighted twenty points;

2 (4) the results of the opportunity to learn  
3 survey shall be weighted twenty points;

4 (5) the graduation rate shall be weighted  
5 ten points; and

6 (6) the college and career readiness of  
7 students shall be weighted twenty points.

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

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

21 F. The department shall ensure that a local school  
22 board or governing body of a charter school is prioritizing  
23 resources of a public school rated D or F toward proven  
24 programs and methods linked to improved student achievement  
25 until the public school earns a grade of C or better for two

1 consecutive years.

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

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