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AN ACT

RELATING TO PUBLIC EDUCATION; CREATING A STATE SCHOOL GRADES COUNCIL TO STUDY AND MAKE RECOMMENDATIONS ON SCHOOL GRADING; PROVIDING A TEMPORARY SCHEMA THAT INCLUDES MULTIPLE VALID AND RELIABLE FACTORS IN DETERMINING SCHOOL GRADES; AMENDING A SECTION OF LAW TO ELIMINATE REFERENCE TO SCHOOL GRADING; REPEALING THE A-B-C-D-F SCHOOLS RATING ACT.

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

SECTION 1. TEMPORARY PROVISION--STATE SCHOOL GRADES COUNCIL--POWERS AND DUTIES--REPORTS.--

A. The "state school grades council" is created as a two-year body that will develop an A-B-C-D-F school grading system and make recommendations to the legislature and the public education department on implementation of the system. The council is administratively attached to the department for staffing and other administrative services. The council may also call upon the legislative education study committee, school districts, charter schools and other educational agencies to assist the council in its undertakings.

B. The council consists of three members from each of the following groups:

- (1) classroom teachers;
- (2) instructional support providers;
- (3) principals;

1 (4) superintendents;
2 (5) local school boards;
3 (6) charter schools; and
4 (7) other educational experts, business or
5 community leaders or other interested persons.

6 C. The governor and the speaker of the house and
7 the president pro tempore of the senate, with the input of
8 the minority floor leaders of each house, shall each appoint
9 one member from each group represented on the council. The
10 members of the council shall elect a chair and vice chair. A
11 majority of members constitutes a quorum for conducting
12 business. Members who are not otherwise eligible for per
13 diem and mileage through their public employer may be paid
14 per diem and mileage as provided in the Per Diem and Mileage
15 Act for state employees. The council may meet around the
16 state to take input from school personnel and other
17 interested persons.

18 D. The council shall study the current school
19 system, determine all the factors that affect students'
20 learning environments and develop a new A-B-C-D-F grading
21 system that takes those factors into account. The council
22 shall make recommendations to the legislature on a new
23 grading system that will be operational for the 2015-2016
24 school year.

25 E. The council shall make periodic reports to the

1 legislative education study committee and the legislative
2 finance committee. The final report of the council shall be
3 delivered to the legislative education study committee by
4 November 1, 2014, including recommendations for legislation
5 to implement the new grading system. After reporting to the
6 committee, the council terminates.

7 SECTION 2. TEMPORARY PROVISION--A-B-C-D-F GRADING
8 SYSTEM FOR USE IN 2013-2014 AND 2014-2015 SCHOOL YEARS.--

9 A. The provisions of this section are applicable
10 to the 2013-2014 and 2014-2015 school years.

11 B. As used in this section:

12 (1) "grade factor" means an element of a
13 public school environment that is used to calculate a
14 school's grade;

15 (2) "growth" means the knowledge that a
16 student learns in three years' time, which is demonstrated by
17 the student's performance on the New Mexico standards-based
18 assessments and that demonstrates that the student:

19 (a) has changed from one score to
20 another, indicating growth and performance;

21 (b) has worked toward a proficient or
22 advanced proficient performance level as provided by
23 department rule; or

24 (c) has remained in beginning steps or
25 nearing proficient performance level but has improved by one

1 or more scale score points;

2 (3) "scale score point" means the measure of
3 student achievement on the state standards-based assessment;

4 (4) "school options" means a right to
5 transfer to any public school not rated an F in the state;
6 and

7 (5) "standards-based assessments" means
8 those tests administered annually to students in grades
9 three, four, five, six, seven, eight, ten and eleven pursuant
10 to the Assessment and Accountability Act.

11 C. The public education department shall
12 promulgate new rules for the grading of public schools based
13 on the grade factors, growth and other requirements of this
14 section.

15 D. Grade factors shall be determined by:

16 (1) current standing, which measures the
17 current year's student assessment results;

18 (2) school growth, which measures the change
19 in performance of successive snapshots of students over time
20 and which is based on different students each year;

21 (3) growth of the highest-performing
22 students, which measures the average score of the highest
23 seventy-fifth percentile of student assessment scores based
24 on individual student growth over three years, which is the
25 current and two prior years if applicable;

1 (4) growth of the lowest-performing
2 students, which measures the average score of the lowest
3 twenty-fifth percentile of student assessment scores based on
4 individual student growth over three years, which is the
5 current and two prior years if applicable;

6 (5) opportunity to learn, which measures
7 student participation in extracurricular activities,
8 attendance and truancy rates and the teacher training and
9 experience indicators; provided that for elementary, middle
10 and high schools, this shall be the highest weighted factor
11 for the school years covered by this section; and

12 (6) college and career readiness, which
13 measures student participation in advanced placement,
14 international baccalaureate courses, dual enrollment courses
15 and SAT and ACT test scores.

16 E. No grade factor shall drop a public school's
17 grade by an entire letter grade.

18 F. Every public school shall be graded as provided
19 in this section. Prior to the release of school grades, the
20 public education department shall share with every school
21 district and charter school all the data used in the grade
22 calculations, and the department shall respond to their
23 reviews of the methodology and results of the grade
24 calculations.

25 G. The grade calculation for each public school

1 shall be composed of the following percentages:

2 (1) thirty-three percent of the grade is
3 based on students' standards-based assessment results;

4 (2) thirty-four percent of the grade is
5 determined by the following grade factors:

6 (a) in elementary and middle schools,
7 the opportunity to learn grade factor makes up this
8 percentage; and

9 (b) in high school, the graduation
10 rate, college and career readiness and the opportunity to
11 learn grade factors make up this percentage; and

12 (3) thirty-three percent of the grade is
13 determined by the opportunity to learn.

14 H. No teacher or school principal evaluation
15 system shall use any grade factors or other components of the
16 school grading system until after the state school grades
17 council reports to the legislature and the legislature enacts
18 a new school grading system.

19 I. A public school shall be graded using a cohort
20 of public schools that are grouped into clusters based on the
21 following criteria:

22 (1) a public school's student economic
23 status using Title 1 school designations and the United
24 States census poverty indicators;

25 (2) a public school's population of English

1 language learners; and

2 (3) the school grade issued on July 1, 2012.

3 J. The public education department shall assign a
4 letter grade of A, B, C, D or F to each public school
5 pursuant to the following weights:

6 (1) for elementary and middle schools:

7 (a) the current standing of the school
8 shall be weighted five points;

9 (b) the school growth indicator shall
10 be weighted eight points;

11 (c) the growth of the
12 highest-performing students shall be weighted ten points;

13 (d) the growth of the lowest-performing
14 students shall be weighted ten points;

15 (e) the opportunity for students to
16 learn shall be weighted sixty-seven points and include a
17 minimum of the following factors: 1) the provision to
18 students of opportunities to participate in educational and
19 extracurricular activities; 2) the rates of compliance by
20 students with the Compulsory School Attendance Law; and
21 3) the teacher training and experience indicators; and

22 (f) the parent participation indicator
23 shall be an opportunity for a school to earn bonus points and
24 shall be weighted five points; and

25 (2) for high schools:

1 (a) the current standing of the school
2 shall be weighted nine points;

3 (b) the growth of the
4 highest-performing students shall be weighted twelve points;

5 (c) the growth of the lowest-performing
6 students shall be weighted twelve points;

7 (d) the opportunity for students to
8 learn shall be weighted thirty-three points and include a
9 minimum of the following factors: 1) the provision to
10 students of opportunities to participate in educational and
11 extracurricular activities; 2) the rates of compliance by
12 students with the Compulsory School Attendance Law; and
13 3) the teacher training and experience indicators;

14 (e) the rates of graduation in the
15 2013-2014 and 2014-2015 school years and the value-added
16 conditioning of school growth, taking into account school
17 characteristics for the past three years, shall be weighted
18 seventeen points;

19 (f) career and college readiness and an
20 advanced placement indicator shall be weighted seventeen
21 points; and

22 (g) the parent participation indicator
23 shall be an opportunity for a school to earn bonus points and
24 shall be weighted five points.

25 K. In addition to any rights a parent may have

1 pursuant to federal law, the parent of a student enrolled in
2 a public school rated F for two of the last three years has
3 the right to transfer the student in the same grade to any
4 public school in the state not rated F.

5 L. The school options available pursuant to this
6 section are in addition to any remedies provided for in the
7 Assessment and Accountability Act for students in schools in
8 need of improvement or any other interventions prescribed by
9 the federal No Child Left Behind Act of 2001.

10 SECTION 3. Section 22-8-11 NMSA 1978 (being Laws 1967,
11 Chapter 16, Section 66, as amended) is amended to read:

12 "22-8-11. BUDGETS--APPROVAL OF OPERATING BUDGET.--

13 A. The department shall:

14 (1) on or before July 1 of each year,
15 approve and certify to each local school board and governing
16 body of a state-chartered charter school an operating budget
17 for use by the school district or state-chartered charter
18 school; and

19 (2) make corrections, revisions and
20 amendments to the operating budgets fixed by the local school
21 boards or governing bodies of state-chartered charter schools
22 and the secretary to conform the budgets to the requirements
23 of law and to the department's rules and procedures.

24 B. No school district or state-chartered charter
25 school or officer or employee of a school district or

1 state-chartered charter school shall make any expenditure or
2 incur any obligation for the expenditure of public funds
3 unless that expenditure or obligation is made in accordance
4 with an operating budget approved by the department. This
5 prohibition does not prohibit the transfer of funds pursuant
6 to the department's rules and procedures.

7 C. The department shall not approve and certify an
8 operating budget of any school district or state-chartered
9 charter school that fails to demonstrate that parental
10 involvement in the budget process was solicited."

11 SECTION 4. REPEAL.--Sections 22-2E-1 through 22-2E-4
12 NMSA 1978 (being Laws 2011, Chapter 10, Sections 1 through 4)
13 are repealed.

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