

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 145

52nd Legislature, 1st Session, 2015

Tracking Number: .199050.2

Short Title: Graduation Standards to School Boards

Sponsor(s): Representative Sheryl Williams Stapleton and Others

Analyst: Travis Dulany

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Bill Summary:

HB 145 amends the *Public School Code* to allow local school boards or charter school governing bodies to establish criteria for the portfolio of standards-based indicators required for graduation.

Fiscal Impact:

HB 145 does not contain an appropriation.

Technical Issues:

According to the analysis by the Public Education Department (PED), HB 145 transfers “responsibility of determining student competence standards for graduation with a New Mexico diploma of Excellence from PED to local school boards and governing bodies of charter schools.”

However, Legislative Education Study Committee (LESC) staff interpret the amendment contained in HB 145 as applying only to the portfolio of standards-based indicators referenced on page 8, line 21 (see “Substantive Issues,” below).

Substantive Issues:

Statutory provisions for high school graduation require two things: (1) completion of 24 units in certain subject areas; and (2) demonstration of competence.

With regard to demonstration of competence, a student must achieve certain scores on standards-based assessments in certain subject areas.¹ If a student is unable to achieve the score necessary on one or more of the standards-based assessments, the student may demonstrate competence through a portfolio of standards-based indicators – also known as the alternative demonstration of competence (ADC) – established by PED rule.

Turning to PED rule, Section 6.19.7.10 NMAC, *Alternative Demonstration of Competency Using Standards-based Indicators* (see **Attachment**) sets forth criteria for what standards-based indicators may be used for the ADC option for high school graduation. Specifically, the rule,

¹ The Partnership for Assessment of Readiness for College and Careers (commonly known as PARCC) assessment is scheduled to serve as the state’s standards-based assessment in mathematics and English language arts/literacy in school year 2014-2015 and succeeding school years.

which was promulgated in 2009, states that “school administrators shall establish local procedures for determining whether the alternative demonstration of competency:

- is complete and scorable;
- addresses the appropriate academic content standards; and
- be determined as adequately showing competency.”

The plain language of the PED rule appears to indicate that local school administrators are responsible for determining whether a student has demonstrated competence through the ADC portfolio. Likewise, the PED bill analysis for HB 145 states that each school district currently has the autonomy to approve district-specified ADC options for students.

During the 2014 interim, LESC staff highlighted the 2009 PED rule that allows school districts to determine requirements for an ADC. Although PED has expressed its intent to amend the rule so that all ADC requirements would be uniform for all New Mexico students, regardless of the district in which they are enrolled, the rule is still intact. Additionally, a 2014 statute change requires that, “Once a student has entered the ninth grade, the graduation requirements shall not be changed for that student from the graduation requirements specified in law at the time the student entered the ninth grade.” As a result, all current high school students have the option of demonstrating competence through a district-determined ADC, regardless of any changes made to PED rule in the future.

Enactment of HB 145, therefore, would ensure that local school boards and charter school governing bodies retain the ability to determine ADC requirements for all future high school students, regardless of any future changes to PED rule.

Background:

- Since 1986, to graduate from high school in New Mexico, students had been required to pass the New Mexico High School Competency Exam (NMHSCE) in certain required subjects. In testimony during the 2006 interim regarding college- and career-readiness of New Mexico high school students, the LESC heard from representatives from PED and other sources that the NMHSCE:
 - tested skills only at the eighth grade level; and
 - was not aligned with state high school standards.
- In 2007, LESC-endorsed legislation was enacted to require that, beginning in school year 2010-2011, in order to graduate from high school with a Diploma of Excellence, a student must demonstrate competence:
 - in required subject areas on a standards-based assessment or assessments; or
 - by means of a portfolio of standards-based indicators established by PED rule.
- These provisions allow PED to establish one exam, a series of exams such as end-of-course assessments, or a standards-based portfolio, for the following:
 - mathematics;
 - reading and language arts;
 - writing;

- social studies, including sections on the constitutions of the United States and New Mexico; and
 - science.
- Other provisions require students who exit the school system at the end of grade 12 without having demonstrated competence on a standards-based assessment or by means of a portfolio of standards-based indicators to receive an appropriate state certificate indicating the number of credits earned and the grade completed; it further allowed students who demonstrate competence on a standards-based assessment or portfolio of standards-based indicators within five years of exiting the school system to receive a New Mexico Diploma of Excellence.
 - Until spring 2009, high school students who took the NMHSCE in their sophomore year, had five additional opportunities to retake the exam and pass it before they were scheduled to graduate, and they had five years after they completed the course requirements for graduation to successfully complete all six portions of the exam to earn a diploma.
 - Because statute still requires that students be given five years after they exit high school to pass the test, versions of the NMHSCE may still be required to be administered by some school districts until as late as school year 2017-2018 for some students.
 - During the 2011 regular session, LESC-endorsed legislation was enacted to temporarily suspend, for school year 2011-2012, requirements to administer the following assessments:
 - in grade 11, a standards-based assessment in social studies;
 - in grades 4, 5, 7, and 11, a standards-based writing assessment;
 - in grades 9 and 10, a short-cycle diagnostic assessment in reading, language arts, and mathematics; and
 - in grade 11, a college placement assessment or a workforce readiness assessment.
 - Additional provisions of the 2011 legislation permitted students graduating in school year 2011-2012 to graduate high school without demonstrating competence in required subject areas on standards-based assessments or indicators.
 - In 2014, the Legislature enacted two bills that both limited future changes to graduation requirements and amended requirements for physical education courses to include one unit in physical education, as determined by each school district, which may include:
 - a physical education program that meets state content and performance standards; or
 - participation in:
 - marching band;
 - junior reserve officers' training corps; or
 - interscholastic sports sanctioned by the New Mexico Activities Association or any other co-curricular physical activity.
 - Additional 2014 legislation required that health education courses include age-appropriate sexual abuse and assault awareness and prevention training.

Committee Referrals:

HGEIC/HEC

Related Bills:

HB 15 *Limit School Days for Statewide Tests*
HB 177 *Common Core Implementation Standards*
HB 178 *Career Technical Education Courses & Terms*
HB 308 *School Workforce Assessment System*
HB 345 *Gov't Literacy as Elective & Dual Credit*
SB 14 *Computer Programming for Language Credit*
SB 127a *Development of End-of-course Tests by Teacher*
SB 157 *High School Work Force Assessment System*
SB 203 *Certain Students Tested in Native Language*
SB 229 *Remove Requirements for Certain School Classes*
SB 328 *Graduation Standards to School Boards (Identical)*
SB 390 *Align School Code with Assessment Practices*
SB 445 *Gov't Literacy as Elective & Dual Credit*
SB 496 *Career Tech Education Courses as Electives*
SM 21 *"New Mexico GRADS Day"*