

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/HB 177

52nd Legislature, 1st Session, 2015

Tracking Number: .199434.1

Short Title: Common Core Implementation Standards

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HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR HB 177

Bill Summary:

CS/HB 177 adds new sections to the *Public School Code* to prescribe duties of the Public Education Department (PED) as they relate to the implementation of state content standards and the standards-based assessment.

Among those duties, the department must:

- provide sufficient professional development and resources for each teacher, school principal, and educational support provider to:
 - ensure that all instruction is based on state educational standards;
 - instruct students on understanding, analyzing, and successfully performing the standards-based assessment tasks that require students to demonstrate their analytical processes using a computer-based testing format;
 - instruct students on using educational technology to take the standards-based assessment; and
 - align instruction to the state content standards with instruction on taking the standards-based assessment;
- ensure sufficiency and availability of educational technology and related infrastructure for computer-based assessment administration with the least amount of disruption to other instructional programs;
- establish a student performance baseline from scores received on the standards-based assessment administered during school years 2014-2015, 2015-2016, and 2016-2017;
- provide support and the time necessary to achieve improvement of students mean score on the standards-based assessment; and
- develop and provide an alternative track for college-e and workplace-readiness for students in grade 12 who do not attain a competent score on the standards-based assessment.

Among its other provisions, CS/HB 177:

- defines the terms:
 - “standards-based assessment” to mean the standards-based assessment adopted by PED for implementation in school year 2014-2015 and aligned with state content standards; and
 - “state content standards” to mean any math and English language arts content standards that PED adopted in 2010; and
- places a moratorium, with a repeal date of July 1, 2018, on the department’s use of standards-based assessments for:
 - grade promotion decisions pursuant to the *Assessment and Accountability Act*;
 - any purpose under the *A-B-C-D-F Schools Rating Act*;
 - employment or licensure decisions or any other purpose under the *School Personnel Act*; and
 - graduation requirements.

Fiscal Impact:

CS/HB 177 does not contain an appropriation.

Fiscal Issues:

According to PED, the department has invested more than \$5.0 million in Common Core State Standards (CCSS, see “Background,” below) professional development over the last three years, including:

- large- and small-scale conferences;
- specific content workshops;
- regional mentoring; and
- whole-school online courses utilized by rural schools.

Substantive Issues:

In November 2014, the US Department of Education (USDE) approved New Mexico’s request for a waiver of certain provisions of the federal *No Child Left Behind Act of 2001* (NCLB). Under Principle 1C of this request, PED indicated that New Mexico is participating in the Partnership for Assessment of Readiness for College and Careers (PARCC) testing consortium.

PED’s bill analysis of the original version of this bill states that HB 177 would bring New Mexico out of compliance with the NCLB waiver. The department’s bill analysis does not indicate whether PED will amend and resubmit its waiver application if this bill is enacted.

Background:

Partnership for Assessment of Readiness for College and Careers Test

Beginning with school year 2014-2015, the PARCC test will replace the New Mexico Standards-based Assessment in the subject areas of mathematics and English language arts.

According to PED, PARCC is:

- administered in two separate windows:
 - the performance-based assessment will be administered in March 2015; and
 - the end-of-year assessment will be administered in April and early May of 2015;
- a computer-based assessment; however, a paper-based version is available for up to 25 percent of students as decided by each district; and
- a timed test, and students must be able to pace themselves as they complete the test.

Common Core State Standards

In 1967, legislation was enacted requiring the then State Board of Education (now PED) to prescribe standards for all public schools in the state, including curriculum, academic content, and performance standards.

In 2001, in order to receive Title I funds, each state was required to:

- adopt rigorous content and academic achievement standards; and
- implement an accountability system based on a system of annual assessments aligned with those standards and approved by the USDE for students in certain grades in reading/language arts and mathematics.

In 2007 and 2008, in connection with a study of high school redesign by the Legislative Education Study Committee (LESC), and supported by an appropriation to the LESC, New Mexico joined the American Diploma Project. This effort, spearheaded by Achieve, Inc., provided states with a formal process to revise their mathematics and English language arts standards so they aligned with the expectations of college and careers. A state team that included staff from the LESC, PED, and the Higher Education Department, as well as faculty from state public secondary and postsecondary institutions, spent 18 months reviewing and revising the state standards. The revised math standards were adopted in PED rule in June 2009 and the English/language arts standards in September 2009.

Meanwhile, in June 2009, the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO) announced the launch of the nationwide, state-led CCSS initiative to give educators direction about what all children need to succeed in college and the workplace, and to allow states to share best practices that, it is hoped, will dramatically improve teaching and learning.

In June 2010, LESC staff reported to the committee that the Governor and the Secretary-designate of Public Education had signed a memorandum of agreement in May 2009 with the

NGA and the CCSSO, along with other states and the District of Columbia, to develop common standards in English/language arts and mathematics for grades K-12.

According to the NGA, the standards were designed to be:

- aligned with college and work expectations;
- clear, understandable, and consistent;
- based on rigorous content and application of knowledge through high-order skills;
- built upon strengths and lessons of current state standards;
- internationally benchmarked; that is, informed by other top performing countries, so that all students are prepared to succeed in our global economy and society; and
- evidence-based.

During the 2012 interim, the LESC heard testimony from National Conference of State Legislatures (NCSL) staff regarding the CCSS. Among the information provided, NCSL staff:

- summarized the criteria used to develop the CCSS, which include alignment with college and career expectations, realistic and effective classroom use, and both content and application knowledge through high-order skills;
- emphasized that the CCSS are:
 - not a federal mandate, but rather a common effort among the states;
 - focused on the core areas of English language arts and mathematics;
 - state-led; and
 - not a curriculum or a national assessment, but rather a set of standards.

NCSL staff also informed the committee of the timeline for implementation of the standards, along with the efforts to develop assessments that align with the CCSS. The process for implementation of CCSS continues through 2015 and includes several years of pilot programs in various districts and states. Furthermore, the PARCC assessment consortium, of which New Mexico is a governing state, is to scheduled administer its first summative assessment in 2015.

During the 2013 interim, the LESC again received an update on the implementation of the CCSS, this time from the Secretary-designate of Public Education. Among other points, the Secretary-designate explained that PED was allocated \$1.0 million in FY 13 and \$1.5 million in FY 14 to support teachers and principals in efforts to implement the CCSS. Providing an example of how these funds were used, the Secretary-designate explained that between January 2013 and June 2013 over 2,500 teachers and administrators were trained. Speaking more specifically, the Secretary-designate said that:

- 645 educators had taken online courses in English/language arts, math, and teaching reading to English language learners;
- 1,460 teachers and administrators had participated in in-person workshops;
- 289 educators had participated in webinars, which were recorded and continue to be available online; and
- CCSS experts had delivered regional mentoring sessions to 160 educators.

In addition, according to the Secretary-designate, the department hosted a CCSS professional development summit in September of 2013, as well as an “anchor standards workshop” for

secondary school teachers. PED also provided support for parents, the Secretary-designate concluded, with five town hall meetings across the state and brochures that have been translated into Spanish.

A-B-C-D-F Schools Rating Act

Enacted in 2011, the *A-B-C-D-F Schools Rating Act* created a new public school accountability system that, beginning in school year 2011-2012, was to operate in addition to, and separate from, the Adequate Yearly Progress system created in state and federal law. Among its provisions, the schools rating act requires that:

- all public schools be graded annually on an A-F scale;¹
- the rating scale for elementary and middle schools include factors such as student proficiency, including achievement on the New Mexico standards-based assessments, as well as growth of the lowest 25th percentile of students;
- the rating scale for high schools include additional academic indicators such as high school graduation rates and growth in those grades;
- parents of a student in a public school rated F for two of the last four years have the right to transfer the student to any public school in the state or continue schooling through the statewide cyber academy; and
- PED ensure that a local school board or charter school governing body is prioritizing the resources of a public school rated D or F until the school earns a grade of C or better for two consecutive years.

An additional provision in the *A-B-C-D-F Schools Rating Act* specifies that the standards-based assessments administered annually pursuant to the *Assessment and Accountability Act* are to be used for rating schools.

Graduation Requirements

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 the subject areas of:

- mathematics;
- reading and language arts;
- writing;
- social studies, including a section on the US and New Mexico constitutions; and
- science.

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 – established by PED rule.

¹ Bureau of Indian Education schools, private schools, and home schools are exempt from the school grading requirements.

Grade Promotion

The *Assessment and Accountability Act* provides for remediation programs, academic improvement programs, and promotion policies aligned with school district-determined assessment results and requirements of the statewide assessment and accountability program.

Specifically, the act requires:

- at the end of grades 1-7, three options are available, dependent on the student's academic proficiency:
 - the student is academically proficient and shall enter the next higher grade;
 - the student is not academically proficient and shall participate in the required level of remediation (upon certification by the school district that the student is academically proficient, the student shall enter the next higher grade); or
 - the student is not academically proficient after completion of the prescribed remediation program and upon the recommendation of the teacher and school principal shall either be:
 - retained in the same grade for no more than one school year with an academic improvement plan developed by the student assistance team² in order to become academically proficient, at which time the student shall enter the next higher grade; or
 - promoted to the next grade if the parent refuses to allow the child to be retained (in this case, the parent must sign a waiver indicating the parent's desire that the student be promoted to the next higher grade with an academic improvement plan designed to address specific academic deficiencies);
- at the end of grade 8, a student who is not academically proficient must be retained for no more than one school year to become academically proficient, or, if the student assistance team determines that retention of the student in the grade 8 will not assist the student to become academically proficient, the team will design a high school graduation plan to meet the student's needs for entry into the workforce or a postsecondary educational institution;
- if a student is retained in grade 8, the student assistance team must develop a specific academic improvement plan that clearly delineates the student's academic deficiencies and prescribes a specific remediation plan to address those academic deficiencies; and
- promotion and retention decisions affecting a student enrolled in special education shall be made in accordance with the provisions of the individual educational plan established for that student.

School Personnel Act

Provisions in the *School Personnel Act* include the process by which a local school board or governing authority of a state agency may terminate an employee, although the statute is silent on the use of assessments for termination decisions. However, provisions in PED rule relating to the Effectiveness and Evaluation System require an evaluation to include measures of student achievement growth. PED rule further provides for five levels of performance and establishes

² A student assistance team comprises the student's teacher, school counselor, school administrator, and parent(s).

procedures for employees rated in the two lowest performance levels. If satisfactory progress has not been made according to those procedures, according to the rule, the local superintendent shall determine whether to discharge or terminate the employee pursuant to the *School Personnel Act*.

Committee Referrals:

HEC/HGEIC

Related Bills:

- HB 15 *Limit School Days for Statewide Tests*
- HB 145 *Graduation Standards to School Boards*
- HB 165 *Remove AYP References in School Code*
- HB 298 *In-State Educational Companies & Services*
- SB 127a *Development of End-of-Course Tests by Teacher*
- SB 203 *Certain Students Tested in Native Language*
- SB 328 *Graduation Standards to School Boards*
- SB 390 *Align School Code with Assessment Practices*