LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS

Bill Number: <u>SB 202a</u>   <u>52nd Legislature, 2nd Session, 2015</u>

Tracking Number: <u>.198275.1</u>

Short Title: <u>Public Education Data Advisory Council</u>

Sponsor(s): <u>Senator John Sapien</u>

Analyst: <u>Kevin Force</u>   **Date:** <u>February 23, 2015</u>

AS AMENDED

The Senate Education Committee amendment replaces the Majority Floor Leader of the Senate with the President Pro Tempore of the Senate in the list of persons who are to appoint one of the four members of the council who possess expertise in advanced statistics, mathematics, social science, or education statistics.

<u>Original Bill Summary</u>:

HB 202 proposes to create the Public Education Data Advisory Council, to be tasked with reviewing the accuracy and validity of the data and calculations used for school grades and teacher evaluations, and with advising the Public Education Department (PED) regarding the same. Specifically, SB 202:

- outlines the membership of the council, to consist of seven members:

  - the director of the Assessment and Accountability Division of PED;
  - four persons with expertise in complex statistics, mathematics, social sciences, or education statistics, with one each being appointed by:

    - the majority and minority floor leaders of the Senate;
    - the Speaker of the House of Representatives; and
    - the Minority Floor Leader of the House of Representatives; and

  - one staff member each from the Legislative Education Study Committee (LESC) and the Legislative Finance Committee (LFC), to be appointed by their respective directors;

- directs PED to provide to the council, upon request, any data, calculations, or related information, such as mathematical formulas, used in the calculation of school grades and educator evaluations, provided such information remains confidential; and
- requires the council to report to the LESC and LFC, at their annual December meetings, the accuracy and validity of data and calculations used for grading schools and evaluating educators, as well as any recommendations the council might have for the Legislature or PED.

Fiscal Impact:

SB 202 does not contain an appropriation.

Fiscal Issues:

According to PED, there are a number of issues that are not explicitly addressed in the bill, that may have fiscal implications and for which costs are indeterminate, including:

- frequency of meetings;
- duration of the council;
- director of the council;
- funding for travel; and
- administrative support.

Technical Issues:

Currently, there exists in law an educational "data systems council,"[1] comprising representatives from PED and diverse other executive agencies, such as the Children, Youth and Families Department (CYFD), the Department of Workforce Solutions (DWS), and the Department of Health, as well as the LESC, LFC, the Public School Facilities Authority (PSFA), and public postsecondary educational institutions, school districts and charter schools (see "Background," below). This council was to have conducted regular meetings in order to facilitate and streamline the reporting and retention of pertinent data, help craft policy, and report annually to the Governor and Legislature.

Substantive Issues:

The *A-B-C-D-F Schools Ratings Act* was enacted by legislation passed during the 2011 Regular Legislative Session[2], while New Mexico's current teacher and principal evaluation system was promulgated as PED rule[3] in August of 2012. Both programs rely upon value-added modeling (VAM)[4] of student achievement data drawn from the results of standards-based assessments, and both are key elements of New Mexico's request for flexibility from certain provisions of the federal *Elementary and Secondary Education Act* (ESEA Flexibility). The LESC has heard testimony regarding the complexity of VAM for both school grading and teacher evaluation over the several interims since the inception of each program.

Most recently, problems with data led to the release of faulty scores during the initial roll-out of the first results from the teacher evaluation program in spring 2014. Representatives from PED stated that insufficient and inaccurate submittal of data from school districts led to the mistaken scores[5]. Specifically, PED indicated that many of the errors stemmed from the student growth

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[1] Please see Section 22-1-11 NMSA 1978, "Educational data systems."

[2] Please see Section 22-2E-1, NMSA 1978, *et seq*.

[3] Please see 6.69.8 NMAC, *Teacher and School Leader Effectiveness*

[4] "Value-added modeling" is a method of data modeling and interpretation that seeks to isolate the contribution (or value added) by a particular measure through the comparison of previous achievement on that measure. For example, VAM in teacher evaluation would compare the scores of a teacher's students on a given assessment with previous scores of the same teacher's students on the same assessment, with the "value added" being the difference in the two aggregated scores.

[5] Swedien, J., (2014, June 12), "Faulty Teacher Evals Blamed on Bad Data from Districts," *The Albuquerque Journal*. Retrieved from http://www.abqjournal.com/414399/news/faulty-evals-blamed-on-school-districts.html.

portion of the evaluations, especially information connecting the appropriate student achievement data to the correct teacher, information for which PED largely relies on input from school districts. Conversely, representatives of school districts testified before the LESC that there were problems in the transmittal of data, both to and from the department, noting, for example:

- some original evaluations with inquiries that were submitted to PED for review, only to find numerous additional reports to be resubmitted to the department, with new errors;
- some teachers indentified inaccurately with schools;
- points given to teachers for areas not actually covered by those teachers' assignments;
- the issuance of summative reports for teachers no longer with a particular district, or the lack of summative reports for some teachers;
- multiple measures and VAM data applied inconsistently;
- problems with entering data on Teachscape; and
- error rates as high as 65 percent.

The council to be created by SB 202 would be responsible for both the collaborative review of issues such as these and reporting them to the LESC, LFC, and the Governor, as well as offering recommendations to the legislature and PED for the improvement of the programs' effectiveness and accuracy.

According to PED, the advisory council proposed by SB 202 would be a redundant effort because the information and reports required by the bill are already being provided, as evidenced by testimony to both the LESC and LFC on both school grading and teacher evaluation, especially in their respective development phases. These two accountability systems, PED notes, are fully developed, with any ongoing changes likely to be minor in nature, rendering the input of a dedicated data advisory council largely unnecessary.

Background:

One state that has created an advisory body similar to the one proposed by SB 202 is Massachusetts, which in 2012 passed legislation[6] implementing a teacher evaluation system in their public schools. Included in this legislation was the establishment of a data advisory committee, to provide recommendations to the state Board of Elementary and Secondary Education on what information was to be collected from districts on teacher evaluation ratings. The committee voted unanimously in support of a report containing points of data collection, of varying frequency, including:

- demographic information and work assignments;
- courses taught by teachers, co-teachers and support personnel;
- date of teacher hire, exit, and reasons for exit;
- teachers' performance ratings;
- teachers' impact on student growth;
- licensure data;
- endorsements upon a teacher's completion of an approved preparation program;
- pass rates and individual scores; and
- teacher perceptions of schooling conditions, professional development, leadership, and school culture.

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[6] Massachusetts Laws 2012, Chapter 131

The committee made further recommendations for the substance of the reports, including that they:

- show the development of trends over time;
- ensure consistency across all sectors of public education;
- correlate performance and impact ratings;
- gather data on the type of improvement plan for each educator;
- investigate the feasibility of additional data reporting options;
- include data about the school, district and program context;
- provide guidance on the proper use of the data;
- report evidence of impact on practice;
- maintain educators' confidentiality; and
- support further research on implementation and outcomes of the educator evaluation framework.

The report concluded that clear, transparent, and consistent messages from the state regarding the appropriate use of data would mitigate against inaccurate or misleading interpretation of data, while encouraging the improvement of the teacher evaluation system, which, in turn, would support the objectives of the evaluation system itself: improvement across all levels of instruction, continued focus on student learning, and the enhancement of student outcomes.

In New Mexico, over the course of the last decade, there have been a number of legislative and executive initiatives aimed at the development of better tracking of data for education. While SB 202 focuses on the validation of data and calculations with respect to school grading and educator evaluation, to date, the thrust of most of these efforts has been the accurate identification, recording, and dissemination of longitudinal data, in order to track students' progress through New Mexico's educational system:

- In 2003, the New Mexico Legislature passed and the Governor signed comprehensive education reform legislation that included a provision requiring PED to issue a state ID number for each public school student as part of the state's assessment and accountability system.
- Realizing that reliable data are critical to educational research and policy development, the 2005 Legislature included language in the *General Appropriation Act* to establish a comprehensive data warehouse at PED to begin to collect and store student, teacher, course, testing, and financial data in one comprehensive system, known as the Student Teacher Accountability Reporting System (STARS).
- Through legislation endorsed by the LESC, the Legislature implemented additional initiatives directed toward providing New Mexico with a single, unified data system that can exchange information within and across pre-K through postsecondary (P-20) education and allow the state to continue monitoring achievement as students move from place to place through the education pipeline.
- A 2007 bill requiring the Higher Education Department (HED) to use the PED student ID number also included a measure requiring PED to collaborate with public teacher preparation programs and HED to create a uniform statewide teacher education accountability reporting system (TEARS) to measure and track teacher candidates from pre-entry to post-graduation in order to benchmark the productivity and accountability of New Mexico's teacher workforce.
- During the 2007 interim, the LESC heard a presentation describing the work of the Data Sharing Task Force, which HED convened in response to a request from the LESC to

plan the implementation of a common P-20 student ID, which was to have proceeded through three phases: (1) extending the student ID system in STARS into higher education; (2) expanding STARS to include higher education data submitted by postsecondary institutions; and (3) adding enhancements, such as a common online application for admission to college and electronic transcripting between P-12 and public postsecondary institutions.

- In fall 2008, New Mexico was accepted along with seven other states to participate in the College and Career Ready Policy Institute (CCRPI), a Bill and Melinda Gates Foundation-funded initiative to provide participants with technical assistance in developing high school accountability systems aligned with the expectations of college and the workplace. Participating state entities included HED, PED, the LESC, DWSM and the New Mexico Business Roundtable for Educational Excellence. A key goal in New Mexico's proposal to CCRPI was development of its longitudinal student data system.

- In 2009, a recent innovation in the P-20 Initiative was introduced as the Electronic Student Management System, an individual student-based, interactive system for personal management and review of requirements associated with graduation and preparation for college or the workforce.

- In 2009, Executive Order 2009-19 established the New Mexico Data Warehouse Council, requiring multiple state agencies to work together toward a comprehensive P-20 data system.

- During the 2010 Regular Legislative Session, the Legislature passed and the Governor signed House Education Committee Substitute for HB 70, which enacted Section 22-1-11 NMSA 1978, "Educational Data System" (see "Technical Issues," above).

Committee Referrals:

SRC/SEC

Related Bills:

SB 91 *Teacher Licensure Levels & Advancement*
SB126a *Level 3-B School Admin Licensure Requirements*
SB 153 *Streamline Teacher Administrative Licensure*
HB 15 *Limit School Days for Statewide Tests*
HB 71a *Streamline Teacher & Administrator Licensure*
FL/HB 76a *Teacher Licensure Levels & Advancement*
CS/HB 144 *Teacher & School Leader Effectiveness Act*