

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 205

52nd Legislature, 1st Session, 2015

Tracking Number: .197734.3

Short Title: Delay Use of Certain Test in Teacher Evals

Sponsor(s): Senator John M. Sapien

Analyst: Heidi L. Macdonald

Date: February 7, 2015

Bill Summary:

SB 205 delays the use of student test scores on standards-based assessments as follows:

- for school years 2014-2015 and 2015-2016 for the determination of annual letter grades of schools pursuant to the *A-B-C-D-F Schools Rating Act*; and
- for school years 2015-2016 and 2016-2017 for the annual performance evaluations of licensed school employees pursuant to section 22-10A-19 NMSA 1978, the *School Personnel Act*.

Fiscal Impact:

SB 205 does not contain an appropriation.

Fiscal Issues:

According to the Fiscal Impact Report (FIR) from the Legislative Finance Committee (LFC), the bill does not have any direct fiscal implications; however, the state has been granted an *Elementary and Secondary Education Act* (ESEA) flexibility waiver from certain provisions of the federal ESEA. The waiver allowed the state to redirect approximately \$10 million in federal Title I funds based on the new grading system rather than distributing pursuant to adequate yearly progress (AYP). If the state loses the waiver, funds will have to be distributed based on the AYP system and supplemental education services would be reinstated.

Substantive Issues:

As the FIR suggests, one question that SB 205 raises is what effect, if any, the waiver provisions related to teacher evaluation and school grading will have upon the state's waiver from the requirements of the federal ESEA (see "Fiscal Issues," above).

Based on the FIR from the LFC, testimony by both the Public Education Department (PED) and data experts over the past several years has indicated, when test data are to be used for value added models in the school grading system and education evaluation systems, a minimum of three years of data should be used to achieve the most reliable results.

The PED's analysis notes that the bill places a two-year suspension on school and educator accountability. However, as the FIR confirms, the bill does not place a two-year suspension on

school and educator accountability; rather it places a two-year suspension on a single data source used in each of the systems. School grades and teacher and school leader evaluations would still be completed each of the three school years implicated by the bill (2014-2015, 2015-2016, and 2016-2017); however, they would be based on a combination of all other data sources.

Additionally, PED anticipates that student test scores will drop on the new Partnership for Assessment of Readiness for College and Careers (PARCC) assessment, raising more concern for educators statewide (see “Background,” below).

Finally, PED’s analysis has indicated significant state resources have been expended since 2011 to promote the new college- and career-ready standards through online resources, in-person professional development, resource guides, workshops, curriculum guidance, and planning assistance. Further, significant district resources have been targeted to the new standards. It can be argued, according to PED, that the state is ready, and to delay feedback will reverse the effect of these efforts.

Background:

Questions about the Uses of Student Scores on Standards-based Assessments

During the June 2013 interim meeting of the Legislative Education Study Committee (LESC), committee members discussed the passage of House Joint Memorial (HJM) 30, *Study Uses of Standardized Test Scores*, which requests that the LESL convene a work group to study the validity of using standards-based assessments for other purposes, namely teacher and school administrator effectiveness, and school grading. Rather than convene a work group, LESL committee members requested that a report be provided to the committee from outside experts.

During the November 2013 interim meeting, the LESL heard testimony from the American Institutes for Research (AIR) Center on Great Teachers and Leaders on using assessments to determine teacher performance. According to the AIR presentation, 44 states and the District of Columbia have updated educator evaluation statutes and rules in the last few years; several others have changes pending. These changes include mandates or recommendations to incorporate student achievement data into education evaluation, with variation in the requirements and a focus on growth that takes student starting points into account rather than measuring a single point in time.

The AIR presenter noted several considerations to take into account when using assessments for teacher evaluation, noting that one should ask whether the assessment or measure:

- aligns with what students are expected to learn and teachers are expected to teach;
- measures growth and fairly assesses all students; and
- has evidence of reliability.

The presenter continued her testimony to discuss issues to consider when using value-added measures (VAMs), explaining that:

- VAMs can provide:
 - useful information;
 - positive correlation between student growth measures and other measures of teacher performance (e.g., instructional practice and/or principal evaluations);
 - evidence that teachers with high value-added scores do something different (as measured through observations) than teachers with low value-added scores; and
 - evidence that teachers with high-value scores have a positive effect on future student achievement and other long-term outcomes;
- VAMs should not be used alone for high-stakes decisions;
- communication and stakeholder engagement are critical for new or complex measures; and
- VAMs are not perfectly precise or reliable:
 - student growth measures depend on test data, which is itself an imperfect measure for a variety of reasons;
 - small numbers of students can lead to imprecision and instability; and
 - appropriate business rules and multiple years of data are necessary.

According to PED’s analysis of HJM 30, student assessment scores “are a fundamental component of effectiveness evaluation systems, and research has found that student gains on standardized assessments are meaningfully related to more challenging achievement assessments, student perception surveys, expert observations of instructional practice, and assessments of teachers’ content knowledge.”

However, other research identifies some cautions in the use of standardized student assessments in evaluating teachers.

- In 2010, the Economic Policy Institute published *Problems with the Use of Student Test Scores to Evaluate Teachers*, a briefing paper which concluded that:
 - student test scores “should be only one element among many considered in teacher profiles. Some state are now considering plans that would give as much as 50 percent of the weight in teacher evaluation and compensation decisions to scores on existing poor-quality tests of basic skills in math and reading. Based on the evidence we have reviewed above, we consider this unwise. If the quality, coverage, and design of standardized tests were to improve, some concerns would be addressed, but the serious problems of attribution and nonrandom assignment of students, as well as the practical problems described above, would still argue for serious limits on the use of test scores for teacher evaluation”; and
 - standards-based evaluations of teaching practice have been implemented in some districts and have provided more useful evidence about teaching practice. Furthermore, research indicates associations of standards-based evaluations for teachers with student achievement gains.

Since 2011, New Mexico has been a governing member of the PARCC, which is one of two assessment consortia that receive federal funds to design computer-based tests aligned to the Common Core State Standards. During the July 2014 interim meeting, the LESC heard testimony from the Deputy Secretary for Policy, PED, who provided an update on developments

with the new PARCC assessments. This testimony focused on what the Deputy Secretary called certain “facts” that New Mexicans need to know about the PARCC assessments. The first one was that, in school year 2014-2015, NMPARCC, which is a New Mexico-specific version of the test, will replace the math, reading, and writing portions of the current standards-based assessment and the high school graduation assessment.

Committee Referrals:

SEC/SPAC

Related Bills:

SB 138 *Repeal A-B-C-D-F School Rating Act*

SB 202 *Public Education Data Advisory Council*

HB 156 *Innovations in Teaching Act*