

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 560

52nd Legislature, 1st Session, 2015

Tracking Number: .199280.1

Short Title: School Remediation & Promotion Policies

Sponsor(s): Senator John M. Sapien

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Bill Summary:

SB 560 makes a number of minor technical and stylistic adjustments to the section of the *Assessment and Accountability Act* governing student remediation programs and promotion policies; and it adds a new section to the *Public School Code* regarding professional development plans and reports.

The new language in SB 560 states that by:

- September 30 of each school year, each district is required to provide the Public Education Department (PED) with a professional development plan that includes proposals for teachers to receive a professional development plan in areas of effective instructional methodologies and strategies in reading, English language development or English as a second language;
- May 15 of each school year, SB 560 requires each school district to compose an annual accountability report: the number and percentage of students identified as requiring remediation;
- the number and percentage of students who received remediation programs and who:
 - achieved reading proficiency during the school year; or
 - did not become proficient and were recommended for retention and were either (1) retained in the same grade, or (2) not retained because of a parental waiver;
- reading proficiency data for students who were not proficient and were promoted to the next grade through a parental waiver; and
- promotion and retention decisions of the student assistance team for each student who was previously promoted to the next grade through a parental waiver.

The report must also include reading proficiency data for students who did not achieve reading proficiency and were promoted due to a parental waiver. The student assistance team (SAT) is required to document promotion and retention decisions for reporting purposes.

Finally, SB 560 requires that PED compile the data derived from the accountability reports from each district and report them to the Legislative Education Study Committee (LESC) during the legislative interim.

Fiscal Impact:

SB 560 does not have an appropriation.

Technical Issues:

The new material in SB 560 seems to apply only to school districts, not to charter schools. If the intention of the bill is to compile comprehensive student data, the sponsor may wish to consider an amendment including charter schools, both locally chartered and state-chartered, in the requirements regarding the professional development plan and the annual accountability reports.

Substantive Issues:

SB 560 addresses the question of promotion or retention of students unable to demonstrate proficiency, specifically in reading (see “Background,” below). With regard to promotion/retention policies, Education Commission of the States (ECS) advises policymakers to consider the following questions:

- Is teacher quality an issue? Students under inadequately prepared teachers will find greater difficulty meeting the high grade-level standards recently adopted in many states.
- Are teachers sufficiently trained in identifying student learning problems and providing suitable interventions?
- Are there early interventions to address academic difficulties before students get far behind in their skills? By the time the results of the statewide assessment are released, it often is too late to implement an intervention plan.

The professional development plans that SB 560 requires would seem to address some of these questions.

PED’s analysis notes that having information compiled from the accountability report will be a strong indicator to track student success and achievement based on reading proficiency data. These data would be unique to New Mexico students and would highlight how students in differing subgroups achieve in comparison to one another. PED further states that these data may be able to track performance and achievement longitudinally across a student’s educational career.

Background:

During 2013 interim, the LESC heard testimony regarding a report from the National Governors Association (NGA): *A Governor’s Guide to Early Literacy: Getting All Students Reading by Third Grade*. The report examines the gap between research and policy as it relates to third grade literacy, and it includes a summary of the five state policy actions to ensure all children are reading by third grade:

1. adopt comprehensive language and literacy standards and curricula for early care and education programs and kindergarten through third grade;
2. expand access to high-quality child-care, pre-kindergarten, and full-day kindergarten;
3. engage and support parents as partners in early language and literacy development;

4. equip professionals providing care and education with the skills and knowledge to support early language and literacy development; and
5. develop mechanisms to promote continuous improvement and accountability.

Referring to policy action 5, LESC staff explained that governors may also choose to support data-informed continuous improvement and accountability by investing in longitudinal data systems that link early childhood data with K-12 data. Finally, governors can develop state agency budgets with adequate resources to deliver technical assistance, research and disseminate best practices, and offer incentives that spur local innovations.

Promotion and Retention

According to ECS, for many years, American schools commonly practiced what is called “social promotion,” the advancement of struggling students from one grade level to the next with the intent of keeping children in the same peer group, in the hopes that students would reach grade-level achievement levels in a subsequent school year. However, as a part of states’ standards, assessment and accountability initiatives starting in the mid-1990s, states and districts began to implement bans on social promotion, intending to keep children in the same grade level until they could demonstrate mastery of grade-level skills and knowledge. While at first glance retention may seem to be a reasonable means of assuring that students gain grade-level proficiency, a number of research studies have indicated that neither retention nor social promotion positively influences students.

According to ECS, research on retention proposes that:

- minority, male, urban, and poor students are disproportionately more likely to be retained;
- retention increases students’ likelihood of eventually dropping out;
- retention lowers self-esteem and self-confidence; and
- retained students are likely to remain below grade-level proficiency levels.

Critics of social promotion, however, counter that:

- socially promoted students, when they do not drop out, graduate with insufficient skills and knowledge, leaving them inadequately prepared for employment and postsecondary education;
- social promotion devalues the high school diploma; and
- social promotion suggests to students that hard work is not necessary to achieve goals.

Early Literacy and Interventions

During the 2014 interim, the LESC heard testimony on national trends in early literacy interventions by a professor of education in the Harvard Graduate School of Education.

In response to a committee member’s comment relating to the Legislature’s discussions on mandatory retention and early interventions, the professor explained that the state needs to focus on improving schools’ overall quality of classroom instruction, not just interventions, including professional development that is focused on improving the quality of daily instruction and academic language development. She also emphasized the need to track data for students as a group and not just the individual.

Describing her focus on children from minority, multi-lingual, and socio-economically disadvantaged backgrounds, the professor compared New Mexico's demographics with those of the rest of the country:

- 33 percent of children ages birth through five in New Mexico live in poverty, compared to 26 percent of US children among the same age group; and
- 22 percent of children and youth in New Mexico are children of immigrants, compared to 24 percent in the US.

A majority of these children, this testimony emphasized, are generally not fluent in English, creating an obstacle to their proficiency in literacy.

Among other points, this testimony:

- noted that it is equally important to create partnerships with adults to increase their capacity to assess and support children's language and literacy development; and
- emphasized the need to support good teaching with high-quality and comprehensive curricula that promote language development.

Committee Referrals:

SPAC/SEC

Related Bills:

HB 41a *School Grade Promotion & Retention*

SB 66 *School Grade Promotion & Retention*

SB 468 *Reading Success Act*