

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 570

52nd Legislature, 1st Session, 2015

Tracking Number: .200117.1

Short Title: Standards-Based Content Standards & Delay

Sponsor(s): Senator Cisco McSorley

Analyst: Carlos Contreras

Date: March 13, 2015

Bill Summary:

SB 570 adds new sections to the *Public School Code* to, beginning July 1, 2015:

- prescribe the duties of the Public Education Department (PED) as they relate to the implementation of the state content standards and standards-based assessment; and
- place a three year moratorium on the use of a standards-based assessment for:
 - making grade promotion decisions pursuant to the *Assessment and Accountability Act*;
 - any purpose under the *A-B-C-D-F Schools Rating Act* and the *School Personnel Act*; and
 - graduation requirements.

Among its provisions SB 570 would require PED to:

- 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 student mean scores on the standards-based assessment; and

- to develop and provide an alternative track for college- and workplace-readiness for students in grade 12 who do not attain a competent score on the standards-based assessment.

Fiscal Impact:

SB 570 does not contain an appropriation.

Technical Issues:

The analysis by Central New Mexico College (CNM) suggests that the state content standards addressed in SB 570 are different from the Common Core State Standards (CCSS), which New Mexico, along with a number of other states, has adopted for mathematics and English language arts (ELA) (see “Substantive Issues,” below). This reading is understandable because, until recently, the state had been using for all subjects the academic content and performance standards that had been developed by the then-State Board of Education and the then-State Department of Public Education over a period of years.

With the adoption of the CCSS, however, PED amended its rules to require that standards for ELA and for mathematics be those of the CCSS. Even so, several sets of state content standards for other academic subjects remain intact: arts education; career and technical education; English language development; health education; modern, classical and native languages; physical education; science; and social studies. Presumably, then, the state content standards that SB 570 invokes are the CCSS-based standards in mathematics and ELA and the original state content standards in the other subjects.

If that is the case, then much of what the bill requires has already been done or is in process (see “Substantive Issues,” below); however, if the bill refers to the pre-CCSS state content standards (as the CNM analysis suggests), then, at least with ELA and mathematics, it would require the prescribed activities directed toward standards that have been superseded.

Substantive Issues:

Common Core State Standards

The CCSS are designed to emphasize critical thinking skills in ELA and mathematics for grades K-12 and to ensure that students leave high school with the necessary skills for college and/or a career. The CCSS initiative began in December 2008, when the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO) formed a collaborative effort and published the document *Benchmarking for Success*. New Mexico joined the effort in 2009, when the Governor signed a memorandum of agreement with the NGA and the CCSSO.

Testimony before the Legislative Education Study Committee (LESC) during the 2014 interim, indicated that PED provided professional development on CCSS over the last three years. Opportunities of professional development included, but were not limited to:

- large and small scale conferences;
- specific content workshops;
- Response to Intervention (RtI) conferences;
- training on content standards and the instructional shifts;

- leadership academies for school leaders;
- principals coaching network;
- superintendents forums;
- regional mentoring;
- online modules and webinars; and
- whole-school online courses where a school commits 80 percent or more of their staff to complete 50 hours of coursework.

Partnership for Assessment of Readiness for College and Careers Test (PARCC)

The PARCC developed new standards-based assessments for grades 3-11 that are aligned with CCSS. Beginning with school year 2014-2015, the PARCC replaced the standards-based assessments in the subject areas of mathematics and ELA.

The new assessments are anchored in college- and career-readiness, provide comparability across states and measure skills such as critical thinking, communications, and problem solving.

PED indicated that the department also visited various parts of the state to deliver assessment workshops, particularly focusing on:

- technology readiness for PARCC, including test/tech coordinator trainings;
- the instructional implications of the standards-based assessment; and
- best practices.

PED also created a forum for open dialogue with educators on how PARCC will take the place of the current standards-based assessment in areas of:

- promotion policies;
- school grading;
- teacher evaluations; and
- graduation requirements.

Background:

Partnership for Assessment of Readiness for College and Careers Test (PARCC)

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 CCSS. During the July 2014 meeting, the Deputy Secretary for Policy, PED, provided the LESC with 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, among them:

- in school year 2014-2015, PARCC, 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;
- the average testing time will not increase from what students have experienced taking the standards-based assessment, with the testing time taking less than 1.0 percent of the school year;
- New Mexicans are among those building PARCC assessments;

- New Mexico students will take PARCC tests online;
- PARCC is designed to be accessible to students with disabilities and English language learners; and
- like the current standards-based assessment, PARCC high school scores will be used for multiple purposes such as graduation, accountability, and educator effectiveness.

The Deputy Secretary also outlined the expectations of the PARCC assessments. In reading and writing, students will have to:

- show they can read and understand complex passages;
- write persuasively;
- conduct research and present findings; and
- demonstrate speaking and listening skills.

In math, students will have to:

- show their work and demonstrate that they understand a concept rather than simply memorize a formula;
- compute quickly and accurately; and
- apply their mathematical knowledge to solve real-world problems.

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;
- 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.

SB 570 addresses additional provisions in the *A-B-C-D-F Schools Rating Act* which specify that a standards-based assessment administered annually pursuant to the *Assessment and Accountability Act* is **to be** used for rating schools.

High School Graduation: Diploma of Excellence

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

With regard to demonstration of competence, provisions in current law provide a student two options: (1) a student must achieve certain scores on standards-based assessments in certain subject areas;¹ **or** (2) the student may demonstrate competence in certain subject areas through a portfolio of standards-based indicators established by PED rule (see “Technical Issues,” below).

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 provides that:

- 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 team 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.

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.

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 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:

SEC/SPAC

Related Bills:

HB 15 *Limit School Days for Statewide Tests*
HB 129 *Clarify School Test Individual Choice*
CS/CS/HB 144 *Teacher & School Leader Effectiveness Act*
HB 145 *Graduation Standards to School Boards*
HB 156a *Innovations in Teaching Act*
HB 177 *Common Core Implementation Standards*
SB 196 *Discontinue Common Core Standards*
SB 217 *Individual Choice on Some School Tests*
SB 328 *Graduation Standards to School Boards*