

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SM 86

50th Legislature, 2nd Session, 2012

Tracking Number: .189826.1

Short Title: Review A-B-C-D-F School Rating System

Sponsor(s): Senator Howie C. Morales

Analyst: Travis Dulany

Date: February 14, 2012

Bill Summary:

SM 86 requests that the Legislative Education Study Committee (LESC) and the Legislative Finance Committee (LFC), with the assistance of the Public Education Department (PED), form a work group of education stakeholders to review the recent implementation of the A-B-C-D-F school rating system.

The work group is further requested to examine:

- the technical details of the A-B-C-D-F schools rating system formula, including, but not limited to:
 - the working matrices used to grade schools;
 - the methodology used to determine statistical peer groups;
 - all data and tools used to determine school grades; and
 - the technical step-by-step instructions used by department staff for assigning school grades;
- what information and data are available to school districts and charter schools regarding each district's or school's respective grade;
- what further information should be provided to school districts and charter schools to provide for a more transparent schools rating system;
- the extent to which department rules implement the provisions of SB 427 (Laws 2011, Chapter 10);
- whether department rules depart from the provisions of SB 427;
- whether the grade calculations can be simplified so that school officials, teachers, parents, and policymakers can readily understand the elements of a calculated school grade;
- alternate value-added models and their implications for measuring school growth; and
- how the formula used to calculate school grades takes into account factors such as charter status, urban or rural location, and student socioeconomic status.

Finally, the memorial requests that the work group present its findings and recommendations to the LESC and LFC by October 31, 2012.

Fiscal Impact:

Legislative memorials do not carry appropriations.

Background:

In 2011, legislation was enacted that, beginning in school year 2011-2012, created a new public school accountability system, to operate in addition to, and separate from, the existing adequate yearly progress (AYP) system created in state and federal law.

Among its provisions, the legislation 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 and growth, 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 rates;
- 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.

During the 2011 interim, the Secretary-designate of Public Education provided a series of updates on the implementation of the A-B-C-D-F schools rating system to the LESC. Among other points, she noted early in the interim that additional indicators factored into the high school grade may include:

- graduation rates;
- graduation rate growth; and
- growth in enrollment in Advanced Placement, International Baccalaureate, and dual enrollment, as well as ACT and SAT scores.

Several members from the Superintendents Advisory Council testified before the committee, and one noted that the council had endorsed the legislation because members believed it would create a better system than AYP. However, the members cited a number of issues with the proposed rating system that remained to be resolved, including the short timeline for implementation and the prioritization of resources for school improvement. In addition, several LESC members urged that the rating system include subjects other than reading and math, as well as parent surveys, student nutrition, and participation in extracurricular activities.

Testimony by the Secretary-designate acknowledged a number of states that have already implemented or passed legislation requiring similar grading systems, including Florida, Indiana, Louisiana, Utah, Oklahoma, and Rhode Island. However, LESC staff cautioned that the models used in Florida and other states may not be completely adaptable to New Mexico, because school ratings are based in large part upon student growth, as measured by the standards-based assessment, which is administered only to students in grades 3 through 8 and grade 11.

On this point, the LESC expressed concern that elementary schools would have no assessment data for kindergarten through second grade, and high schools would have only one year of assessment data, if any at all. The provision in rule regarding rating of kindergarten to grade 2 schools based on data from the next higher grade in the district appeared to address that issue for those schools, at least partially. However, for high schools, the proportional weight given to “student growth” would be shifted to “school growth,” making assessment data less critical to the calculation.

During the interim meeting in October, LESC staff testified that PED published a notice of proposed rulemaking (NMAC 16.19.8) that would create new rules to implement the requirements of the *A-B-C-D-F Schools Rating Act*. PED staff also testified that the new rules will ensure that local school boards and charter school governing bodies appropriately prioritize their resources for schools receiving a D or an F under the new system. After receiving input from the Superintendents Advisory Council and other stakeholders, PED finalized the rule in December.

As another point in the testimony on this topic, the Secretary-designate explained that PED intended to apply for a waiver from the US Department of Education (USDE), seeking regulatory relief to recognize the progress that schools are making. If the waiver application is approved, she said, the A-F schools rating system would be the singular accountability system for New Mexico.¹

Finally, PED staff testified that the department was negotiating with test vendors for an earlier administration of the standards-based assessment so that PED can publish school ratings before the end of an academic year.

Related Bills:

None as of February 14, 2012.

¹ In late December 2011, the Secretary-designate of Public Education received a letter from the USDE identifying a number of components in the initial application “that need further clarification and may need additional development or revision.” In response to a revised application in January 2012, the USDE wrote to the Secretary-designate again, alluding to “a number of outstanding concerns that need additional information or revision.”