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SENATE BILL 370

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO PUBLIC EDUCATION; ADDING TO THE A-B-C-D-F SCHOOLS
RATING ACT A MODIFIED ASSESSMENT FORMULA FOR SUPPLEMENTAL
ACCOUNTABILITY MODEL SCHOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-2E-2 NMSA 1978 (being Laws 2011,
Chapter 10, Section 2) is amended to read:

"22-2E-2. DEFINITIONS.--As used in the A-B-C-D-F Schools
Rating Act:

A. "growth" means learning a year's worth of
knowledge in one year's time, which is demonstrated by a
student's performance on New Mexico standards-based assessments
that ~~[shows]~~ demonstrates that the student:

(1) ~~[moving]~~ has moved from one performance
level to a higher performance level;

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1 (2) [~~maintaining~~] has maintained a proficient
2 or advanced proficient performance level as provided by
3 department rule; or

4 (3) [~~remaining~~] has remained in beginning step
5 or nearing proficient performance level but [~~improving~~] has
6 improved a number of scale score points as specified by
7 department rule; [~~and~~]

8 B. "school options" means a right to transfer to
9 any public school not rated an F in the state or to have
10 children continue their schooling through distance learning
11 offered through the statewide or a local cyber academy; and

12 C. "supplemental accountability model school" means
13 a public school whose enrollment includes at least seventy-five
14 percent of any combination of the following:

15 (1) students with a history or family history
16 of incarceration or extended or significant involvement in a
17 court system;

18 (2) students with a history of gang
19 involvement;

20 (3) students who are pregnant or have one or
21 more children;

22 (4) students with a history of physical or
23 mental health issues, including abuse, neglect, domestic
24 violence, drug or alcohol use, disease or chronic or severe
25 medical conditions;

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- 1 (5) students with a history of school
- 2 discipline issues, including suspension or expulsion;
- 3 (6) students with a history of inconsistent
- 4 school attendance, including multiple unexcused absences and
- 5 habitual truancy;
- 6 (7) students who withdrew from school for one
- 7 or more semesters;
- 8 (8) students with a history of below-grade-
- 9 level academic performance;
- 10 (9) students with a history of not meeting
- 11 academic expectations pursuant to the students' individualized
- 12 education plans; or
- 13 (10) students with a disability or other
- 14 special needs."

15 SECTION 2. Section 22-2E-4 NMSA 1978 (being Laws 2011,
16 Chapter 10, Section 4) is amended to read:

17 "22-2E-4. ANNUAL RATINGS--LETTER GRADES--RATINGS BASED ON
18 STANDARDS-BASED [~~TESTS~~] ASSESSMENTS--RIGHT TO SCHOOL CHOICE--
19 DISTANCE LEARNING--RESPONSIBILITY FOR COST--USE OF FUNDS--
20 ADDITIONAL REMEDY.--

21 A. All public schools shall be graded annually by
22 the department.

23 B. The department shall assign a letter grade of A,
24 B, C, D or F to each public school pursuant to criteria
25 established by department rules, after input from the

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1 secretary's superintendents' council, that include as a minimum
2 a combination of the following factors in a public school's
3 grade:

4 (1) for elementary and middle schools other
5 than supplemental accountability model schools:

6 (a) student proficiency, including
7 achievement on the New Mexico standards-based assessments;

8 (b) student growth in reading and
9 mathematics; and

10 (c) growth of the lowest twenty-fifth
11 percentile of students in the public school in reading and
12 mathematics; and

13 (2) for high schools other than supplemental
14 accountability model schools:

15 (a) student proficiency, including
16 achievement on the New Mexico standards-based assessments;

17 (b) student growth in reading and
18 mathematics;

19 (c) growth of the lowest twenty-fifth
20 percentile of students in the high school in reading and
21 mathematics; and

22 (d) additional academic indicators such
23 as high school graduation rates, growth in high school
24 graduation rates, advanced placement and international
25 baccalaureate courses, dual enrollment courses and SAT and ACT

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1 scores.

2 C. The department shall assign a letter grade of A,
3 B, C, D or F to each supplemental accountability model school
4 pursuant to the following modified assessment formula:

5 (1) the current standing of the school shall
6 be weighted ten points;

7 (2) the growth of the top seventy-five percent
8 of students shall be weighted twenty points;

9 (3) the growth of the bottom twenty-five
10 percent of students shall be weighted twenty points;

11 (4) the results of the opportunity to learn
12 survey shall be weighted twenty points;

13 (5) the graduation rate shall be weighted ten
14 points; and

15 (6) the college and career readiness of
16 students shall be weighted twenty points.

17 ~~[G-]~~ D. The New Mexico standards-based assessments
18 used for rating a school are those administered annually to
19 students in grades three, four, five, six, seven, eight, nine
20 and eleven pursuant to Section 22-2C-4 NMSA 1978.

21 ~~[D-]~~ E. In addition to any rights a parent may have
22 pursuant to federal law, the parent of a student enrolled in a
23 public school rated F for two of the last four years has the
24 right to transfer the student in the same grade to any public
25 school in the state not rated F or the right to have the

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1 student continue schooling by means of distance learning
2 offered through the statewide or a local cyber academy. The
3 school district or charter school in which the student is
4 enrolled is responsible for the cost of distance learning.

5 ~~[E-]~~ F. The department shall ensure that a local
6 school board or governing body of a charter school is
7 prioritizing resources of a public school rated D or F toward
8 proven programs and methods linked to improved student
9 achievement until the public school earns a grade of C or
10 better for two consecutive years.

11 ~~[F-]~~ G. The school options available pursuant to
12 the A-B-C-D-F Schools Rating Act are in addition to any
13 remedies provided for in the Assessment and Accountability Act
14 for students in schools in need of improvement or any other
15 interventions prescribed by the federal No Child Left Behind
16 Act of 2001."