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SENATE BILL 40

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Howie C. Morales

AN ACT

RELATING TO PUBLIC EDUCATION; CREATING A STATE SCHOOL GRADES
COUNCIL TO STUDY AND MAKE RECOMMENDATIONS ON SCHOOL GRADING;
PROVIDING A TEMPORARY SCHEMA THAT INCLUDES MULTIPLE VALID AND
RELIABLE FACTORS IN DETERMINING SCHOOL GRADES; AMENDING A
SECTION OF LAW TO ELIMINATE REFERENCE TO SCHOOL GRADING;
REPEALING THE A-B-C-D-F SCHOOLS RATING ACT.

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

**SECTION 1. TEMPORARY PROVISION--STATE SCHOOL GRADES
COUNCIL--POWERS AND DUTIES--REPORTS.--**

A. The "state school grades council" is created as
a two-year body that will develop a school grading system and
make recommendations to the legislature and the public
education department on implementation of the system. The
council is administratively attached to the department for

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1 staffing and other administrative services. The council may
2 also call upon the legislative education study committee,
3 school districts, charter schools and other educational
4 agencies to assist the council in its undertakings.

5 B. The council consists of three members from each
6 of the following groups:

- 7 (1) classroom teachers;
- 8 (2) instructional support providers;
- 9 (3) principals;
- 10 (4) superintendents;
- 11 (5) local school boards;
- 12 (6) charter schools; and
- 13 (7) other educational experts, business or
14 community leaders or other interested persons.

15 C. The governor and the speaker of the house and
16 the president pro tempore of the senate, with the input of the
17 minority floor leaders of each house, shall each appoint one
18 member from each group represented on the council. The members
19 of the council shall elect a chair and vice chair. A majority
20 of members constitutes a quorum for conducting business.

21 Members who are not otherwise eligible for per diem and mileage
22 through their public employer may be paid per diem and mileage
23 as provided in the Per Diem and Mileage Act for state
24 employees. The council may meet around the state to take input
25 from school personnel and other interested persons.

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1 D. The council shall study the current school
2 system, determine all factors that affect students' learning
3 environments and develop a new grading system that takes those
4 factors into account. The council shall make recommendations
5 to the legislature on a new grading system that will be
6 operational for the 2019-2020 school year.

7 E. The council shall make periodic reports to the
8 legislative education study committee and the legislative
9 finance committee. The final report of the council shall be
10 delivered to the legislative education study committee by
11 November 1, 2018, including recommendations for legislation to
12 implement the new grading system. After reporting to the
13 committee, the council terminates.

14 **SECTION 2. TEMPORARY PROVISION--GRADING SYSTEM FOR USE IN**
15 **2017-2018 AND 2018-2019 SCHOOL YEARS.--**

16 A. The provisions of this section are applicable to
17 the 2017-2018 and 2018-2019 school years.

18 B. As used in this section:

19 (1) "grade factor" means an element of a
20 public school environment that is used to calculate a school's
21 grade;

22 (2) "growth" means the knowledge that a
23 student learns in three years' time, which is demonstrated by
24 the student's performance on the New Mexico standards-based
25 assessments and that demonstrates that the student:

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1 (a) has changed from one score to
2 another, indicating growth and performance;

3 (b) has worked toward a proficient or
4 advanced proficient performance level as provided by department
5 rule; or

6 (c) has remained in beginning steps or
7 nearing proficient performance level but has improved by one or
8 more scale score points;

9 (3) "scale score point" means the measure of
10 student achievement on the state standards-based assessment;

11 (4) "school options" means a right to transfer
12 to any public school not rated an F in the state; and

13 (5) "standards-based assessments" means those
14 tests administered annually to students in grades three, four,
15 five, six, seven, eight, ten and eleven pursuant to the
16 Assessment and Accountability Act.

17 C. The public education department shall promulgate
18 new rules by December 1, 2017 for the grading of public schools
19 based on the grade factors, growth and other requirements of
20 this section.

21 D. Grade factors shall be determined by:

22 (1) current standing, which measures the
23 current year's student assessment results;

24 (2) school growth, which measures the change
25 in performance of successive snapshots of students over time

1 and which is based on different students each year;

2 (3) growth of the highest-performing students,
3 which measures the average score of the highest seventy-fifth
4 percentile of student assessment scores based on individual
5 student growth over three years, which is the current and two
6 prior years if applicable;

7 (4) growth of the lowest-performing students,
8 which measures the average score of the lowest twenty-fifth
9 percentile of student assessment scores based on individual
10 student growth over three years, which is the current and two
11 prior years if applicable;

12 (5) opportunity to learn, which measures
13 student participation in extracurricular activities, attendance
14 and truancy rates and the teacher training and experience
15 indicators; provided that for elementary, middle and high
16 schools, this shall be the highest weighted factor for the
17 school years covered by this section; and

18 (6) college and career readiness, which
19 measures student participation in advanced placement,
20 international baccalaureate courses, dual enrollment courses
21 and SAT and ACT test scores.

22 E. No grade factor shall drop a public school's
23 grade by an entire letter grade.

24 F. Every public school shall be graded as provided
25 in this section. Prior to the release of school grades, the

1 public education department shall share with every school
2 district and charter school all data used in the grade
3 calculations, and the department shall respond to their reviews
4 of the methodology and results of the grade calculations.

5 G. The grade calculation for each public school
6 shall be composed of the following percentages:

7 (1) thirty-three percent of the grade is based
8 on students' standards-based assessment results;

9 (2) thirty-four percent of the grade is
10 determined by the following grade factors:

11 (a) in elementary and middle schools,
12 the opportunity to learn grade factor makes up this percentage;
13 and

14 (b) in high school, the graduation rate,
15 college and career readiness and the opportunity to learn grade
16 factors make up this percentage; and

17 (3) thirty-three percent of the grade is
18 determined by the opportunity to learn.

19 H. No teacher or school principal evaluation system
20 shall use any grade factors or other components of the school
21 grading system until after the state school grades council
22 reports to the legislature and the legislature enacts a new
23 school grading system.

24 I. A public school shall be graded using a cohort
25 of public schools that are grouped into clusters based on the

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1 following criteria:

2 (1) a public school's student economic status
3 using Title 1 school designations and the United States census
4 poverty indicators;

5 (2) a public school's population of English
6 language learners; and

7 (3) the school grade issued on July 1, 2019.

8 J. The public education department shall assign a
9 letter grade of A, B, C, D or F to each public school pursuant
10 to the following weights:

11 (1) for elementary and middle schools:

12 (a) the current standing of the school
13 shall be weighted five points;

14 (b) the school growth indicator shall be
15 weighted eight points;

16 (c) the growth of the highest-performing
17 students shall be weighted ten points;

18 (d) the growth of the lowest-performing
19 students shall be weighted ten points;

20 (e) the opportunity for students to
21 learn shall be weighted sixty-seven points and include a
22 minimum of the following factors: 1) the provision to students
23 of opportunities to participate in educational and
24 extracurricular activities; 2) the rates of compliance by
25 students with the Compulsory School Attendance Law; and

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1 3) the teacher training and experience indicators; and

2 (f) the parent participation indicator
3 shall be an opportunity for a school to earn bonus points and
4 shall be weighted five points; and

5 (2) for high schools:

6 (a) the current standing of the school
7 shall be weighted nine points;

8 (b) the growth of the highest-performing
9 students shall be weighted twelve points;

10 (c) the growth of the lowest-performing
11 students shall be weighted twelve points;

12 (d) the opportunity for students to
13 learn shall be weighted thirty-three points and include a
14 minimum of the following factors: 1) the provision to students
15 of opportunities to participate in educational and
16 extracurricular activities; 2) the rates of compliance by
17 students with the Compulsory School Attendance Law; and

18 3) the teacher training and experience indicators;

19 (e) the rates of graduation in the
20 2017-2018 and 2018-2019 school years and the value-added
21 conditioning of school growth, taking into account school
22 characteristics for the past three years, shall be weighted
23 seventeen points;

24 (f) career and college readiness and an
25 advanced placement indicator shall be weighted seventeen

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1 points; and

2 (g) the parent participation indicator
3 shall be an opportunity for a school to earn bonus points and
4 shall be weighted five points.

5 K. In addition to any rights a parent may have
6 pursuant to federal law, the parent of a student enrolled in a
7 public school rated F for two of the last three years has the
8 right to transfer the student in the same grade to any public
9 school in the state not rated F.

10 L. The school options available pursuant to this
11 section are in addition to any remedies provided for in the
12 Assessment and Accountability Act for students in schools in
13 need of improvement or any other interventions prescribed by
14 the federal Every Student Succeeds Act.

15 SECTION 3. Section 22-8-11 NMSA 1978 (being Laws 1967,
16 Chapter 16, Section 66, as amended) is amended to read:

17 "22-8-11. BUDGETS--APPROVAL OF OPERATING BUDGET.--

18 A. The department shall:

19 (1) on or before July 1 of each year, approve
20 and certify to each local school board and governing body of a
21 charter school an operating budget for use by the school
22 district or charter school; and

23 (2) make corrections, revisions and amendments
24 to the operating budgets fixed by the local school boards or
25 governing bodies of charter schools and the secretary to

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1 conform the budgets to the requirements of law and to the
2 department's rules and procedures [~~and~~

3 ~~(3) ensure that a local school board or, for a~~
4 ~~charter school, the governing body of the charter school is~~
5 ~~prioritizing resources of a public school rated D or F toward~~
6 ~~proven programs and methods that are linked to improved student~~
7 ~~achievement until the public school earns a grade of C or~~
8 ~~better for two consecutive years].~~

9 B. No school district or charter school or officer
10 or employee of a school district or charter school shall make
11 any expenditure or incur any obligation for the expenditure of
12 public funds unless that expenditure or obligation is made in
13 accordance with an operating budget approved by the department.
14 This prohibition does not prohibit the transfer of funds
15 pursuant to the department's rules and procedures.

16 C. The department shall not approve and certify an
17 operating budget of any school district or charter school that
18 fails to demonstrate that parental involvement in the budget
19 process was solicited."

20 SECTION 4. REPEAL.--Sections 22-2E-1 through 22-2E-4 NMSA
21 1978 (being Laws 2011, Chapter 10, Sections 1 through 4, as
22 amended) are repealed.