

SENATE FLOOR SUBSTITUTE FOR
SENATE BILL 62

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

AN ACT

RELATING TO PUBLIC SCHOOLS; ASSIGNING POINTS TO FACTORS FOR
RATING PUBLIC SCHOOLS; PROVIDING FOR A WORK GROUP TO STUDY
SCHOOL GRADING ISSUES.

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

SECTION 1. Section 22-2E-4 NMSA 1978 (being Laws 2011,
Chapter 10, Section 4, as amended) is amended to read:

"22-2E-4. ANNUAL RATINGS--LETTER GRADES--GRADING POINT
SYSTEM--RATINGS BASED ON STANDARDS-BASED ASSESSMENTS--RIGHT TO
SCHOOL CHOICE--DISTANCE LEARNING--RESPONSIBILITY FOR COST--USE
OF FUNDS--ADDITIONAL REMEDY.--

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

B. The department shall assign a letter grade of A,
B, C, D or F based on a one hundred point scale to each public

1 school pursuant to criteria established by department rules,
2 after input from the secretary's superintendents' council, that
3 include as a minimum a combination of the following factors in
4 a public school's grade:

5 (1) for elementary and middle schools:

6 (a) student proficiency, including
7 achievement on the New Mexico standards-based assessments in
8 reading, mathematics and science, to total ten points;

9 (b) student growth in reading and
10 mathematics ~~[and]~~ to total ten points;

11 (c) growth of the lowest twenty-fifth
12 percentile of students in the public school in reading and
13 mathematics to total fifteen points;

14 (d) growth of the middle fiftieth
15 percentile of students in the public school in reading and
16 mathematics to total ten points;

17 (e) growth of the highest twenty-fifth
18 percentile of students in the public school in reading and
19 mathematics to total five points;

20 (f) progress toward English language
21 proficiency to total ten points;

22 (g) parent and student surveys to total
23 ten points;

24 (h) improvements in truancy and chronic
25 absenteeism rates to total fifteen points;

1 (i) parent engagement activities to
2 total ten points; and

3 (j) learning opportunities for students,
4 including extended learning time, extracurricular and
5 cocurricular activities, to total five points; and

6 (2) for high schools:

7 (a) student proficiency, including
8 achievement on the New Mexico standards-based assessments in
9 reading, mathematics and science, to total ten points;

10 (b) student growth in reading and
11 mathematics to total seven points;

12 (c) growth of the lowest twenty-fifth
13 percentile of students in the high school in reading and
14 mathematics [~~and~~

15 ~~(d) additional academic indicators such~~
16 ~~as high school graduation rates, growth in high school~~
17 ~~graduation rates, advanced placement and international~~
18 ~~baccalaureate courses, dual enrollment courses and SAT and ACT~~
19 ~~scores] to total thirteen points;~~

20 (d) growth of the middle fiftieth
21 percentile of students in the high school in reading and
22 mathematics to total ten points;

23 (e) growth of the highest twenty-fifth
24 percentile of students in the high school in reading and
25 mathematics to total five points;

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1 (f) progress toward English language
2 proficiency to total five points;

3 (g) graduation rates and improvements in
4 graduation rates to total fifteen points;

5 (h) parent and student surveys to total
6 five points;

7 (i) improvements in truancy and chronic
8 absenteeism rates to total ten points;

9 (j) college and career readiness
10 indicators, including advanced placement and international
11 baccalaureate courses, dual enrollment courses and SAT and ACT
12 scores, to total ten points;

13 (k) parent engagement activities to
14 total five points; and

15 (l) learning opportunities for students,
16 including extended learning time and extracurricular and
17 cocurricular activities, to total five points.

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

22 D. In addition to any rights a parent may have
23 pursuant to federal law, the parent of a student enrolled in a
24 public school rated F for two of the last four years has the
25 right to transfer the student in the same grade to any public

1 school in the state not rated F or the right to have the
 2 student continue schooling by means of distance learning
 3 offered through the statewide or a local cyber academy. The
 4 school district or charter school in which the student is
 5 enrolled is responsible for the cost of distance learning.

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

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

18 G. When reporting a public school's grade, the
 19 department shall include student data disaggregated by
 20 ~~[ethnicity, race, limited English proficiency, students with~~
 21 ~~disabilities, poverty and gender; provided that ethnicity and~~
 22 ~~race shall be reported using]~~ the following categories:

23 ~~(1) Caucasian, non-Hispanic;~~

24 ~~(2) Hispanic;~~

25 ~~(3) African American;~~

- 1 ~~(4) American Indian or Alaska Native;~~
2 ~~(5) Native Hawaiian or other Pacific Islander;~~
3 ~~(6) Asian;~~
4 ~~(7) two or more races; and]~~
5 (1) each major racial and ethnic group;
6 (2) economically disadvantaged students;
7 (3) students with disabilities;
8 (4) English proficiency status;
9 (5) migrant status;
10 (6) homeless status;
11 (7) students in foster care;
12 (8) students with a parent who is a member of
13 the armed forces on active duty;
14 (9) gender; and
15 ~~[(8)]~~ (10) other; provided that if the sample

16 of students in any category enumerated in [~~Paragraphs (1)~~
17 ~~through (7) of]~~ this subsection is so small that a student in
18 the sample may be personally identifiable in violation of the
19 federal Family Educational Rights and Privacy Act of 1974, the
20 report may combine that sample into the "other" category.

21 H. The legislative education study committee in
22 consultation with the department shall convene a school grades
23 work group to meet during the 2017 and 2018 interims to collect
24 and analyze education stakeholder input regarding school
25 grades. The school grades work group shall consist of:

- 1 (1) two public school teachers in traditional
2 schools;
- 3 (2) two education labor union representatives;
- 4 (3) two school principals;
- 5 (4) two charter school representatives;
- 6 (5) two superintendents;
- 7 (6) two school board members;
- 8 (7) two parents of students currently enrolled
9 in a New Mexico public school;
- 10 (8) two tribal leaders or tribal liaisons;
- 11 (9) two representatives from a community
12 organization with an education focus;
- 13 (10) the chair and vice chair of the
14 legislative education study committee; and
- 15 (11) two representatives from the department.

16 I. The school grades work group shall present its
17 recommendations to the legislative education study committee no
18 later than December 1, 2018. The work group's recommendations
19 shall include:

- 20 (1) turnaround models for low-performing
21 schools;
- 22 (2) best practices from low-performing schools
23 in high-poverty areas, including schools in urban, rural and
24 tribal environments;
- 25 (3) innovative school programs, either from

1 charter schools or traditional schools, and how those programs
2 impact the school grade;

3 (4) best practices that focus on individual
4 grading indicators to increase improvement in those indicators;

5 (5) best practices that increase performance
6 of English language learners; and

7 (6) other items as determined by the work
8 group."

9 SECTION 2. APPLICABILITY.--The provisions of this act
10 apply to the 2017-2018 and succeeding school years.