

1 SENATE BILL 229

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Mimi Stewart

5
6
7
8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

9
10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; ENACTING THE SCHOOL SUPPORT AND
12 ACCOUNTABILITY ACT; REPEALING THE A-B-C-D-F SCHOOLS RATING ACT.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. A new section of the Public School Code is
16 enacted to read:

17 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
18 "School Support and Accountability Act"."

19 SECTION 2. A new section of the Public School Code is
20 enacted to read:

21 "[NEW MATERIAL] DEFINITIONS.--As used in the School
22 Support and Accountability Act:

23 A. "adjusted cohort graduation rate" means the
24 graduation rate of first-time ninth grade students with a
25 diploma of excellence in a particular school year adjusted by

.211912.3

underscored material = new
[bracketed material] = delete

1 adding any students who transfer into the cohort after the
2 ninth grade and subtracting any students who transfer out,
3 emigrate to another country or die;

4 B. "chronic absenteeism" means the percentage of
5 students missing ten percent or more of the school year for any
6 reason, including excused absences, unexcused absences and out-
7 of-school suspensions;

8 C. "college, career and civic experiences" means,
9 for high school students, the completion of a college-ready
10 course of study; the completion of a high-quality career
11 technical education program; the completion of advanced courses
12 such as advanced placement, international baccalaureate or dual
13 credit; a seal of bilingualism-biliteracy on the student's
14 diploma of excellence; demonstrating competency for college
15 readiness or career certification; or the completion of a work-
16 based learning experience; and for all students, includes the
17 completion of a service-based learning experience,
18 participation in a civic engagement experience or participation
19 in a college or career exploration experience;

20 D. "college, career and civic readiness" means the
21 percentage of students who complete college, career and civic
22 experiences and the percentage of middle school and high school
23 students who are on track to graduate;

24 E. "comprehensive support" means support for a
25 school that performs at or below the support identification

1 threshold, or has an adjusted cohort graduation rate of less
2 than sixty-six and two-thirds percent, or fails to exit
3 targeted support status after a number of years determined by
4 the department;

5 F. "educational climate" means the percentage of
6 school stakeholders who report that the school provides an
7 appropriate climate for learning in the domains of student and
8 staff engagement, social-emotional and physical safety and a
9 school environment conducive to teaching and learning;

10 G. "English language proficiency" means the ability
11 of students to use academic English to make and communicate
12 meaning in spoken and written contexts in an assessment
13 determined by the department;

14 H. "local school board" includes the governing body
15 of a charter school;

16 I. "more rigorous intervention" means an
17 intervention plan for a school that fails to exit comprehensive
18 support status after a number of years determined by the
19 department;

20 J. "on track to graduate" means data on each
21 individual student that show the student's graduation status
22 and potential predictors of dropout, such as student
23 attendance, behavior, grades and test scores;

24 K. "opportunity to learn standards" means a
25 comprehensive view of the context in which learning takes

1 place, including curriculum and instruction, educational
2 resources and school staff competency;

3 L. "school stakeholders" means students, parents,
4 other family members, teachers, school staff and community
5 partners who are part of a school's immediate environment;

6 M. "student growth" means a measure, either norm-
7 referenced to students with similar prior test scores or
8 criterion-referenced to a specific standard, of students'
9 academic progress within a specified time period;

10 N. "student proficiency" means a measure
11 demonstrating students' grade level mastery of the knowledge
12 and skills determined by the New Mexico standards-based
13 assessments;

14 O. "support identification threshold" means a
15 threshold set by the department using the metrics in the school
16 support and accountability system to identify the lowest
17 performing five percent of schools in the state receiving Title
18 1 funds;

19 P. "system" means the school support and
20 accountability system;

21 Q. "targeted support" means support for a school in
22 which at least one subgroup of students, but not the entire
23 school, performs at or below the support identification
24 threshold; and

25 R. "traditional support" means a school that is not

underscoring material = new
~~[bracketed material] = delete~~

1 designated for targeted support or comprehensive support or has
2 exited more rigorous intervention status by surpassing the
3 support identification threshold."

4 SECTION 3. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] SCHOOL SUPPORT AND ACCOUNTABILITY SYSTEM--
7 CREATED--ESTABLISHING A SCHOOL DASHBOARD--PRIORITIZING
8 RESOURCES FOR SCHOOLS RECEIVING ADDITIONAL SUPPORT.--

9 A. The "school support and accountability system"
10 is created in the department. The department, in consultation
11 with school districts, charter schools, school personnel and
12 the legislative education study committee, shall promulgate
13 rules to carry out the provisions of the School Support and
14 Accountability Act through the system.

15 B. The system shall:

16 (1) differentiate Title 1 support to public
17 schools in the state using the metrics identified in Paragraphs
18 (2) and (3) of this subsection to assign, for each public
19 school, a designation of traditional support, targeted support,
20 comprehensive support or more rigorous intervention to comply
21 with the federal Elementary and Secondary Education Act of
22 1965;

23 (2) include indicators of academic achievement
24 that shall be afforded substantial weight and, in the
25 aggregate, much greater weight than the indicators described in

.211912.3

underscored material = new
[bracketed material] = delete

1 Paragraph (3) of this subsection, including:

2 (a) student proficiency on the New
3 Mexico standards-based assessments pursuant to Subsection B of
4 Section 22-2C-4 NMSA 1978;

5 (b) progress of students toward a
6 proficient scale score;

7 (c) student growth, which will comprise
8 a substantial part of the weighting of academic achievement
9 indicators both for all students at the public school and
10 disaggregated by quartile on the New Mexico standards-based
11 assessments;

12 (d) progress of English language
13 learners toward English language proficiency as measured by an
14 assessment determined by the department; and

15 (e) for high schools, the four-year,
16 five-year and six-year adjusted cohort graduation rates; and

17 (3) include indicators of school quality and
18 student success that are valid, reliable, comparable and
19 statewide, including:

20 (a) chronic absenteeism;

21 (b) college, career and civic readiness;

22 and

23 (c) the educational climate of the
24 school.

25 C. The department shall include in the system

.211912.3

underscored material = new
~~[bracketed material] = delete~~

1 student data disaggregated by each major racial and ethnic
2 group, economically disadvantaged students, English learner
3 status, children with disabilities, gender and migrant status;
4 provided that ethnicity and race shall be reported using the
5 following categories:

- 6 (1) Caucasian, non-Hispanic;
- 7 (2) Hispanic;
- 8 (3) African American;
- 9 (4) American Indian or Alaska Native;
- 10 (5) Native Hawaiian or other Pacific Islander;
- 11 (6) Asian;
- 12 (7) two or more races; and
- 13 (8) other; provided that if the sample of

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

19 D. The department shall provide the technological
20 platform for a dashboard for each public school. The dashboard
21 shall provide school and student information to school
22 stakeholders and policymakers in a transparent manner,
23 including the following indicators:

- 24 (1) the results of each indicator included in
25 Paragraphs (2) and (3) of Subsection B and in Subsection C of

underscored material = new
~~[bracketed material] = delete~~

1 this section;

2 (2) designations of school quality and student
3 success for any school meeting a specific standard set by the
4 department for any indicator included in Paragraphs (2) and (3)
5 of Subsection B of this section;

6 (3) designations of excellence for any school
7 scoring in the ninetieth percentile for any indicator included
8 in Paragraphs (2) and (3) of Subsection B of this section;

9 (4) designations of school quality and student
10 success for any school meeting a specific standard set by the
11 department for American Indian or Hispanic students for any
12 indicator included in Paragraphs (2) and (3) of Subsection B of
13 this section;

14 (5) designations of excellence for any school
15 scoring in the ninetieth percentile for American Indian or
16 Hispanic students for any indicator included in Paragraphs (2)
17 and (3) of Subsection B of this section;

18 (6) the designation of support for schools
19 that meet the criteria for traditional support, targeted
20 support, comprehensive support or more rigorous intervention;

21 (7) the demographics of the students and staff
22 of the school; and

23 (8) indicators of opportunity to learn
24 standards, including:

25 (a) a survey of relevant and engaging

.211912.3

1 curriculum and instruction;

2 (b) educational resources, including
3 total school-level expenditures and total instructional
4 expenditures per student; and

5 (c) qualified and competent school
6 staff, including the percentage of teachers with three or more
7 years of experience, the percentage of teachers who are fully
8 licensed and endorsed in the field they teach, the types of
9 degrees held by staff, information from the highly objective,
10 uniform state standards of evaluation for teachers and the
11 percentage of national board-certified teachers.

12 E. The dashboard shall include each school's
13 mission, vision and goals and provide for optional comments
14 from the local school board about the strengths, opportunities
15 for improvement and programmatic offerings corresponding to any
16 of the reported indicators in the dashboard. For local school
17 boards that do not provide this information, the department
18 shall populate this section of the dashboard with information
19 from the public school's educational plan for student success.

20 F. The department shall ensure that a local school
21 board prioritizes the resources of a public school that has
22 received a designation of targeted support, comprehensive
23 support or more rigorous intervention toward improving student
24 performance using evidence-based programs and a continuous
25 improvement plan based on the indicators in Paragraphs (2) and

.211912.3

underscoring material = new
~~[bracketed material] = delete~~

1 (3) of Subsection B of this section identified through a
2 school-level needs assessment until the public school no longer
3 holds that designation."

4 SECTION 4. REPEAL.--Sections 22-2E-1 through 22-2E-4 NMSA
5 1978 (being Laws 2011, Chapter 10, Sections 1 through 4, as
6 amended) are repealed.

7 SECTION 5. APPLICABILITY.--This act applies to the 2019-
8 2020 and succeeding school years.

9 - 10 -