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June 18, 2012

MEMORANDUM

TO: Legislative Education Study Committee

FR: David T. Craig, Senior Fiscal Analyst I
Sarah Amador-Guzman, Fiscal Analyst
Kevin Force, Senior Research Analyst I

RE: STAFF REPORT: A-F SCHOOLS GRADING SYSTEM REVIEW

Introduction

In 2011, legislation was enacted (Laws 2011, Chapter 10) to create new sections of the *Public School Code* to comprise the *A-B-C-D-F Schools Rating Act*, and to amend current law relating to school budget approval and program costs to ensure that local school boards and charter school governing authorities appropriately prioritize their resources for schools receiving a "D" or an "F" under the new system. The legislation provides that all New Mexico public schools shall be graded annually by Public Education Department (PED), according to criteria established by department rules.

During the 2011 interim, the Legislative Education Study Committee (LESC) received several updates from PED on the implementation of this system (in May, July, and August) and in October heard an LESL staff report on the department's administrative rule,¹ for the committee's review.

¹ During the June 2012 LESL interim meeting, LESL staff will provide the committee with a copy and report on amendments to the adopted rule.

On January 10, 2012, PED released preliminary school grades. According to PED staff, final grades are to be provided at the end of June, 2012. Prior to public release of the final school grades, schools will receive grades for a period of 48 hours.

To comply with the committee's focus on the implementation of initiatives in current law, LESC staff:

- developed a comparison of the act to the department rule (see Attachment 1, *Comparison of the A-B-C-D-F Schools Rating Act* with 6.19.8 NMAC, *Grading of Public Schools*, includes May 31, 2012 amendments);
- requested an Excel spreadsheet of the preliminary school grade calculations and a meeting with PED staff to discuss the methodology used to calculate the school grades, including the contents of the department-issued technical manual. At this point, however, LESC staff are still hopeful that PED staff will be amenable to providing the requested information; and
- met with staff from the Center for Education Policy Research at the University of New Mexico (CEPR-UNM), school district personnel, and other interested parties to discuss the preliminary school grades and discuss technical elements of the grading system.

This staff report provides an update on the A-F school rating framework in New Mexico including:

- a review of the A-B-C-D-F school rating system framework;
- PED's implementation of A-B-C-D-F schools rating system;
- financial implications of the A-B-C-D-F rating system; and
- background.

Finally, the committee will be provided with a report, *School Improvement and the A-F School Accountability System: Questions for Consideration*, by Ms. Beata Thorstensen, Deputy Director for the New Mexico School Leadership Institute and CEPR-UNM affiliate and Dr. Adai Tefera, Senior Policy Analyst, CEPR-UNM.

A Review of the A-B-C-D-F Schools Rating System Framework

Under the A-B-C-D-F grading system, the State assigns letter grades to schools on the basis of criteria developed in PED's administrative code. Interventions are to be directed to "D" and "F" schools, with PED ensuring that local school boards and charter school governing authorities prioritize resources to these schools. As indicated below, the A-B-C-D-F rating system is not aligned to the adequate yearly progress (AYP) system and is separate and distinct. A comparison of the preliminary A-F school grades and AYP for the 2011-2012 grading period² showed that:

- of the 73 "A" schools, 34 schools did NOT make AYP;
- of the 191 "B" schools, 154 schools did NOT make AYP;
- of the 268 "C" schools, 232 schools did NOT make AYP;

² Based on School Year 2010-2011 Data (Source: PED)

- of the 207 “D” schools, all 207 schools did NOT make AYP; and
- of the 88 “F” schools, all 88 schools did NOT make AYP.

At least at the federal level, this A-F school grading system has superseded the school accountability system enacted as part of the *No Child Left Behind Act of 2001* (NCLB, also known as the *Elementary and Secondary Education Act*, or ESEA). As explained more fully in the LESC staff report “New Mexico’s Waiver of Certain Provisions of the *No Child Left Behind Act*,” the US Department of Education (USDE), has granted New Mexico a waiver from some of the mandates of the ESEA, regarding use of Title I funds. Additionally, PED applied for two more waivers from two additional requirements related to:

- poverty ranking of schools for the purposes of Title I, Part A distributions; and
- federal requirements to make AYP determinations due to inconsistencies between the AYP and the New Mexico School Grading System as the main differentiated recognition, accountability and support system included in the ESEA flexibility request.

Without these waivers, NCLB would require a series of consequences, or sanctions, for schools that fail to make AYP, which is a prescribed degree of improvements, primarily in student achievement, that schools are expected to make each year – not only for their entire student populations but also for certain subgroups of students: economically disadvantaged students, major racial or ethnic groups, students with disabilities, and English language learners. The ultimate goal is that all students, including those in all the subgroups, will be 100 percent proficient in reading and math by school year 2013-2014.

If a school does not make AYP in the same area (e.g. in math, or reading) for two consecutive years, then the school receives a designation as a School in Need of Improvement (SINOI). There are five levels of improvement that carry progressive requirements for monitoring and enhancement. Under the AYP system, when schools fail to make AYP they are designated as one of the five following progressively restrictive SINOI categories (see Attachment 2, *NCLB/ESEA Definitions*) for determination of accountability:

- School Improvement 1;
- School Improvement 2;
- Corrective Action;
- Restructuring 1; or
- Restructuring 2.

In addition, as part of the ESEA waiver, PED integrated its A-B-C-D-F rating system into the USDE requirements for the ESEA waiver by creating Reward, Strategic, Focus, and Priority Schools on the basis of criteria used to calculate school grades (see Attachment 3, *A-F School Rating System Key Definitions*). The USDE and PED define these schools as follows:

- Reward Schools are schools that are high performing and high progress and are about 5.0 percent of the total state Title I schools. According to PED’s flexibility request there are five hierarchical levels of Reward Schools (see Attachment 4, *Reward Schools*):
 - highest performers with good progress 1;
 - highest performers with good progress 2;

- highest performers and high graduation rates;
 - high graduation rate growth; and
 - highest progress.
- Focus Schools are lower performing schools and must equal at least 10 percent of the total state Title I Schools.
 - Strategic Schools represent a continuation of PED’s Focus Schools and represent about 10 percent of schools not identified as a Reward, Focus, or Priority School. Strategic Schools receive targeted interventions to close achievement gaps.
 - Priority Schools are the lowest performing schools and must equal at least 5.0 percent of the total state Title I Schools. According to the PED’s flexibility request there are three categorical levels of Priority Schools (see Attachment 4, *Priority Schools*):
 - current Tier 1 School Improvement Grant (SIG) Schools;
 - schools with an overall “F” and a graduation rate less than 60 percent; and
 - schools with lowest overall grade points (multiple “F’s”), not identified in any other category.

Although Tier I SIG Schools are part of the old NCLB framework, the USDE requires their use as part of the terms of the ESEA waiver. The designation of Reward, Strategic, Focus, and Priority Schools are only relevant to Title I Schools under the ESEA waiver.

As part of the flexibility request, PED identified its new AMO as the 90th percentile of current performance and redefines the term as school growth target (SGT). This designation is based on the school’s grade. PED’s flexibility request also says “a target that aims for every school to be an “A” creates a meaningless measure that loses its ability to differentiate among schools performance. Hence, we want a system where the long term goal meets the original intents of ESEA.” Therefore, the A-B-C-D-F rating system is a system that differentiates between schools in terms of relative performance and also sets long-term goals of student performance. The 90th percentile SGT is for all subgroups. Under the A-B-C-D-F rating system outlined in the ESEA waiver, subgroups (ethnicity, socio-economic status, etc.) are targeted for the purposes of interventions. The achievement gaps are defined as performance of quartiles of school populations relative to state averages for those populations. Ethnic and socio-economic subgroup performance will not be part of reporting. In May 2011, the LESC heard testimony from LESC staff that the *A-B-C-D-F Schools Rating Act* does not include any requirement for public reporting of ratings, nor does it authorize PED to establish a reporting system in agency rule.

One final point on this topic should be made: the requirements related to AYP are not only in federal law but also in state law. While certain provisions in federal law have been waived, the corresponding provisions in state law are still intact even though, according to one of the purposes of the state *Assessment and Accountability Act*, they were enacted “to comply with federal accountability requirements.” One question, then, is whether public schools in New Mexico are subject to two accountability systems: the AYP-based system enacted in 2003 and the A-F grading system enacted in 2011.

So far, PED has offered little indication of the department’s view of the status or effect of state law. On one hand, statements on the PED website seem to suggest that both systems will be in

effect: “In 2011, New Mexico lawmakers enacted additional requirements that schools demonstrate progress through a grading system similar to that applied to students”; and the NCLB waiver has granted the state permission “to recognize school grading as the prime accountability system for schools” (emphasis added). On the other hand, however, a point made in one of the department’s webinars on the A-F grading system is that the new categories of Reward, Focus, Strategic, and Priority schools is replacing the NCLB designations of School Improvement 1 and 2, Corrective Action, and Restructuring 1 and 2. More recently, in response to a query from LESC staff, PED alluded only to requirements of the federal waiver, not to the status of state law.

PED’s Implementation of A-B-C-D-F Schools Rating System

As aforementioned, on January 10, 2012 PED released an official report of preliminary grades for all New Mexico K-12 schools. Approximately 64 percent of schools earned a grade of “A”, “B” or “C” while 36 percent of schools earned a grade of “D” or “F” (see Attachment 5, *School Grade Breakdown by Grade Level*). For the 2011-2012 school grading period, PED used the following information to calculate the preliminary school grades:

- student data from 2008-2009, 2009-2010 and 2010-2011;
- graduation rates from 4-year and 5-year cohorts (6-year rates were not available); and
- student data from reading and math standard-based assessments.

The school grades were compiled using a combination of the factors listed above with varying proportional value as outlined below (see Attachment 6, *Elementary and Middle School Grading System Matrix*, and Attachment 7, *High School Grading System Matrix*):

- Elementary/Middle School grade indicators:
 - student proficiency (current standing) 40 percent;
 - student growth 40 percent;
 - school growth 10 percent; and
 - attendance and opportunity to learn survey 10 percent.
- High School grade indicators:
 - student proficiency (current standing) 30 percent;
 - school growth 30 percent;
 - graduation rate and growth on graduation rate 17 percent;
 - college and career readiness 15 percent; and
 - attendance and opportunity to learn survey 8.0 percent.

All public schools under PED jurisdiction must participate in school grading which includes: 89 districts, 750 non-charter schools and 81 state and locally authorized charter schools. All Bureau of Indian Education Schools (BIE), private and home schools are exempt. Four schools did not receive initial grades. According to PED’s Frequently Asked Questions (FAQ’s) points for each of the current standing, school growth, student growth, and college- and career-

readiness indicators is multiplied by the percentile ranking of the school to its peers.³ This indicates schools compete relative to the state average for available points.

PED's FAQ also indicate that tested grades are 3-8 and 10-11. Current administrative law for the implementation of the A-B-C-D-F rating system also mirrors this language. As discussed in the section regarding state law for AYP above, this is another area of the *Assessment and Accountability Act* that appears to conflict with the state's A-B-C-D-F school rating system as the act indicates that tested grades are 3-8 and 11.⁴

Financial Implications of the A-B-C-D-F Rating System

Under the *A-B-C-D-F Schools Rating Act* any public school rated a "D" or "F" for two consecutive years, will require that PED ensure that the local school board or governing body of a charter school is prioritizing resources for the public school toward proven programs and methods linked to improved student achievement until the public school earns a "C" or better for two consecutive years, as amended in the *Public School Finance Act* (Laws of 2011, Chapter 10, Section 6, NMSA 1978).

With regard to ESEA waiver designations of Reward Schools, PED indicated in its flexibility request that it has secured private funding for mentorship by Reward School leaders for other school leaders. PED said it has \$600,000 that will be used in July 2012 to provide monetary rewards to Reward Schools after the first final grades are released. In the 2012 regular session, the executive budget request for public school support included \$1.25 million for incentives for school improvements that PED staff said would serve as monetary rewards for "A" schools. These funds were not appropriated by the Legislature.

In 2012, the Legislature appropriated \$3.5 million for interventions in low-performing schools ("D" and "F" schools). Language requiring PED to use the appropriation on "reading coaches or instructional coaches" was vetoed by the governor. The ESEA flexibility waiver indicates that school districts' 20 percent set aside for federal Title I dollars may be used for interventions in Priority schools (which are often F schools). Together, these funds represent the targeted funding for low-performing schools.

Background

During the 2012 legislative session, Senate Memorial 86, *Review A-F-C-D-F School Rating System*, was passed, requesting that the LESC and the Legislative Finance Committee (LFC), with the assistance of PED, form a work group of education stakeholders to review the 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:

³ This is outlined in the technical manual as the cumulative density function (CDF) of a normalized score; similar to taking the integral, this CDF provides a "percentile" based on the school's standing relative to all other schools in the state multiplied by available points.

⁴ Current state law also requires social studies and science testing.

- 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 the *A-B-C-D-F Schools Rating Act*, (Laws 2011, Chapter 10);
 - whether department rules depart from the provisions of the act;
 - 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.

As noted in the introduction, 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 2011.

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

**Comparison of the A-B-C-D-F Schools Rating Act with
6.19.8 NMAC, Grading of Public Schools (includes May 31, 2012 amendments)**

Provision	A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)
Definitions:	<p>"Growth" (§ 2(A))</p>	<p>"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 the student:</p> <ul style="list-style-type: none"> • moving from one performance level to a higher performance level; • maintaining a proficient or advanced proficient performance level as provided by department rule; or • remaining in beginning step or nearing proficient performance level but improving a number of scale score points as specified by department rule.
	<p>"School options" (§ 2(B))</p>	<p>"School options" means a right to transfer to any public school not rated an F in the state or have children continue their schooling through distance learning offered through the statewide or a local cyber academy.</p>
	<p><u>"Accuplacer"</u></p>	<p><u>"Accuplacer" means a standardized test offered by the college board that provides information about academic skills in math English and reading. The assessment is used for community college admissions and for placement in core college courses.</u></p>
	<p>"ACT"</p>	<p>Not included.</p>
	<p>"AP"</p>	<p>Not included.</p>
	<p>"Career readiness"</p>	<p>"Career readiness" means organized programs offering a sequence of</p>

**Comparison of the A-B-C-D-F Schools Rating Act with
6.19.8 NMAC, Grading of Public Schools (includes May 31, 2012 amendments)**

Provision	A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)
Definitions, continued:	Not included	courses, including technical education and applied technology education, which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring an industry-recognized credential, certificate or degree which can be applied towards their graduation from high school. To be considered successfully career ready, students must also graduate with a New Mexico diploma of excellence. (6.19.8.7(C))
“Cohort graduation rate”	Not included.	“Cohort graduation rate” means the percentage of students who graduate high school in four years with a New Mexico diploma of excellence. The cohort consists of all first-time ninth graders in the first year, joined by incoming tenth graders in the second year, eleventh graders in the third year, and twelfth graders in the fourth year. The members of the <i>five-year</i> cohort shall be followed by the Public Education Department (PED) for one additional year to form the five-year cohort graduation rate, and two additional years to form the <i>six-year</i> graduation rate. Students are excused from cohort membership if they transfer out, emigrate to another country, or die during that same period. (6.19.8.7(D))
“College readiness”	Not included.	“College readiness” means the readiness of New Mexico high school students for success in higher education based on their dual credit, ACT, PSAT, SAT, PLAN, accuplacer, international baccalaureate or IB , AP test scores or other measurements approved by PED . (6.19.8.7(E))
“Department”	Not included; but see §22-1-2.D.	“Department” means the New Mexico public education department and is identified by the acronym, PED. (6.19.8.7(F))
“Dual Credit”	Not included.	“Dual credit” means a program that allows high school students to enroll in college-level course offered by a postsecondary institution that may be academic or career technical but not remedial or developmental, and simultaneously earn credit toward high school graduation and a postsecondary degree or certificate. (6.19.8.7(G))
<u>“International baccalaureate”</u>	<u>Not included.</u>	<u>“International Baccalaureate,” or “IB” means an educational foundation that requires the use of and monitors a standardized curriculum leading to internationally recognized certification.</u>
“Opportunity to learn survey”	Not included.	“Opportunity to learn survey” means a brief survey that asks students about their teacher’s predominant instructional practices in the classroom. (6.19.8.7(H))

**Comparison of the A-B-C-D-F Schools Rating Act with
6.19.8 NMAC, Grading of Public Schools (includes May 31, 2012 amendments)**

Provision	A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)	
Definitions, continued:	“Performance level”	Not included.	“Performance level” means a level of performance as indicated by scale scores on the New Mexico standards-based assessments (NMSBA). (6.19.8.7(I))
	<u>“PLAN”</u>	<u>Not included.</u>	<u>“PLAN” means a 10th grade assessment published by ACT that is designed to guide a student’s review of their progress towards college and career readiness.</u>
	“Proficiency in reading and mathematics”	Not included.	“Proficiency in reading and mathematics” means a student’s score of proficient or advanced on the NMSBA. (6.19.8.7(J))
	“PSAT” or PSAT/NMSQT	Not included.	PSAT” or “PSAT/NMSQT” means the preliminary SAT/national merit scholarship qualifying test, which is a standardized test offered by the college board for both preliminary and primary selection to determine a student’s eligibility and qualification for the national merit scholarship program. (6.19.8.7(K))
	“RTI programs”	Not included; but see §22-13-7.F, “response to intervention programs”	“RTI programs framework ” means a multi-tiered intervention model that uses a set of increasingly intensive academic or behavioral supports, matched to student need, as a framework for making educational programming and eligibility decisions. The model includes primary, secondary and tertiary levels of intervention based on progress monitoring to determine the student's response or lack of response to the instruction/intervention. (6.19.8.7(L))
	“SAT”	Not included.	“SAT” means a standardized test offered by the college board for college admissions in the United States. (6.19.8.7(M))
	“School growth”	Not included	“School growth” means growth of an entire school performance over a three year period, as evaluated by value added modeling (VAM). (6.19.8.7(N))
	“Secretary”	Not included; but see §22-1-2.V.	“Secretary” means the secretary of public education of the PED. (6.19.8.7(P))
“Standards-based assessment”	Not included, but referred to in § 4(C).	“Standards-based assessment” means the collection of instruments that assess student academic performance and the students’ progress toward meeting the New Mexico content standards with benchmarks and performance standards, and are administered annually in grades three,	

**Comparison of the A-B-C-D-F Schools Rating Act with
6.19.8 NMAC, Grading of Public Schools (includes May 31, 2012 amendments)**

Provision		A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)
			four, five, six, seven, eight, ten and eleven. (6.19.8.7(Q))
	“Status”	Not included.	“Status” means a single year measurement of a school. (6.19.8.7(R))
	<u>“Supplemental Accountability Model”</u>	<u>Not included.</u>	<u>“Supplemental Accountability Model, or “SAM” refers to any schools that qualify for a modified accountability calculation. To be eligible as a SAM school, the school must serve a student population where 10% or more of the students are 19 or older, or where 20% or more of non-gifted students qualify for special education services. Additionally, the school, when established, must have the primary mission to address the needs of students who are at risk of educational failure as indicated by poor grades, truancy, disruptive behavior, eligibility for special education services or other factors associated with temporary or permanent withdrawal from school.</u>
	“VAM” or “value added model”	Not included.	“VAM or “value added model” means estimating conditional school growth and conditional end status, where “conditional” refers to taking student background characteristics into account and “end status” refers to the school status in the current grading year. (6.19.8.7(T))
Rating Certain Schools:		Beginning with 2011-2012 school year, schools subject to annual rating by PED, according to the Act. (§3)	PED shall grade all public schools annually by assigning a letter grade of A, B, C, D or F to each school. (6.19.8.8(A))
Annual Ratings:		All public schools graded annually by PED. (§4(A))	Annually assign letter grade; assessments of all students, including disabled and English language learners to be included in consideration of the school’s grade. (6.19.8.8(A))
Letter Grades:		PED shall assign letter grade of A-F, according to department rules, after input from superintendents council. (§4(B))	Annually assign letter grade; assessments of all students, including disabled and English language learners to be included in consideration of the school’s grade. (6.19.8.8(A))
Ratings Based on Standards-based Tests:	Elementary & Middle Schools:	<p>Consideration of grades for elementary and middle schools shall include, <i>at minimum</i>:</p> <ul style="list-style-type: none"> • student proficiency, including achievement on the New Mexico standards-based assessments; • student growth in reading and mathematics; and • growth of the lowest twenty-fifth 	<p>Elem. And middle schools shall be graded based on:</p> <ol style="list-style-type: none"> 1. student performance, including NMSBA; 2. student growth based on NMSBA; 3. student growth in lowest 25th % based on NMSBA; 4. school growth based on NMSBA; 5. School attendance; and 6. Results of the opportunity to learn survey. (6.19.8.8(B))

**Comparison of the A-B-C-D-F Schools Rating Act with
6.19.8 NMAC, Grading of Public Schools (includes May 31, 2012 amendments)**

Provision		A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)
Ratings Based on Standards-based Tests, continued:		percentile of students in the public school in reading and mathematics. (§§ 4(B)(1)(a)-(c))	
	High Schools	<p>Consideration of grades for high schools shall include, <i>at minimum</i>:</p> <ul style="list-style-type: none"> • student proficiency, including achievement on the New Mexico standards-based assessments; • student growth in reading and mathematics; • growth of the lowest twenty-fifth percentile of students in the high school in reading and mathematics; and • additional academic indicators such as high school graduation rates, growth in high school graduation rates, advanced placement and international baccalaureate courses, dual enrollment courses and SAT and ACT scores. (§§ 4(B)(2)(a)-(d)) 	<p>High schools shall be graded based on:</p> <ol style="list-style-type: none"> 1. student performance, including SBA; 2. student growth in achievement based on NMSBA; 3. student growth of lowest 25th % in public school based on the NMSBA; 4. school growth based on the NMSBA; 5. 4-year and 5-year cohort grad rate, and beginning with the school year 2012-2013, a 6-year cohort grad rate; 6. school growth in 4-year cohort grad rate; 7. college-readiness (ie: ACT, PSAT, dual credit, <u>SAT, PLAN, accuplacer, international baccalaureate or IB</u>, or AP scores) or career-readiness (pre-apprenticeship programs and cooperative education programs); 8. school attendance; and 9. results of an opportunity to learn survey. (6.19.8.8(C))
Publication of Grading Data:		Not included.	PED shall annually publish disaggregated school grading data on its website. (6.19.8.8(D))

**Comparison of the *A-B-C-D-F Schools Rating Act* with
6.19.8 NMAC, *Grading of Public Schools* (includes May 31, 2012 amendments)**

Provision	A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)
Right to School Choice, Responsibility for Costs:	<p>In addition to any rights a parent may have pursuant to federal law, the parent of a student enrolled in a public school rated F for two of the last four years has the right to transfer the student in the same grade to any public school in the state not rated F or the right to have the student continue schooling by means of distance learning offered through the statewide or a local cyber academy.</p> <p>The school district or charter school in which the student is enrolled is responsible for the cost of distance learning. (§ 4(D))</p>	<p>Parent of a student enrolled in an “F”-rated school for two of the last four years shall have a right to either:</p> <ol style="list-style-type: none"> 1. transfer the student in the same grade to any public school in the state, not rated “F”; or 2. continue the student’s schooling by distance learning through the statewide cyber academy or distance learning offered by any NM district or charter school, provided it is paid for by the “F”-rated school in which the student was enrolled. (6.19.8.8(E))
Standards-based Tests:	<p>The New Mexico standards-based assessments used for rating a school are those administered annually to students in grades three, four, five, six, seven, eight, nine and eleven. (§ 4(C))</p>	<p>“Standards-based assessment” means the collection of instruments that assess student academic performance and the students’ progress toward meeting the New Mexico content standards with benchmarks and performance standards, and are administered annually in grades three, four, five, six, seven, eight, nine and eleven. (6.19.8.7(M) (definitions))</p>
Additional Remedy:	<p>The school options available under the Act are in addition to any remedies provided for in the Assessment and Accountability Act for students in schools in need of improvement, or any other interventions prescribed by the federal <i>No Child Left Behind Act of 2001</i>. (§ 4(F))</p>	<p>The available school options, which shall be available to students with a disability and students who are English language learners, shall be in addition to any remedies provided for in the <i>Assessment and Accountability Act</i> for students in schools in need of improvement or any other interventions prescribed by the federal <i>No Child Left Behind Act of 2001</i>. (6.19.8.8(G))</p>

**Comparison of the A-B-C-D-F Schools Rating Act with
6.19.8 NMAC, Grading of Public Schools (includes May 31, 2012 amendments)**

Provision		A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)
Transfer of Students:	Enrollment	Not included.	<ol style="list-style-type: none"> 1. The transfer of any student under the Act, shall conducted 2. according to open enrollment provisions, provided that: 3. no school district or charter school shall adopt enrollment policies that exclude the enrollment of a student from a school rated F for two of the last four school years; 4. students seeking to enroll in a charter school must participate in that school's lottery unless the school has not exceeded its enrollment limit; and 5. enrollment procedures set forth in Section 22-8B-4.1 NMSA 1978 shall apply. (6.19.8.8(F))
	Transportation	Not included.	<ol style="list-style-type: none"> 1. A school district shall not be responsible for the transportation cost or transportation of a student who transfers school in another New Mexico school district. 2. A school district shall, however, be responsible for the transportation and transportation cost of a student who transfers to another school within the same district even where that school is outside of the student's attendance zone. (6.19.8.8(F))
Determination of a School's Grade	Elementary & Middle Schools	Not included.	<p>The indicators shall be weighted by assigning up to a maximum of 100 points:</p> <ol style="list-style-type: none"> 1. 40 points for student performance, including achievement on the NMSBA, of which 25 points shall be based on status proficiency and 15 points shall be based on VAM; 2. 20 points for student growth based on NMSBA; 3. 20 points for student growth of the lowest 25th % of students in the public school based on NMSBA; 4. 10 points for school growth based on NMSBA; 5. 5 points for school attendance; 6. 5 points for results of an opportunity to learn survey; and 7. in addition to the 100 points described above, an elementary or middle school may be assigned a total of 5 percent bonus points for either demonstrated parental involvement or demonstrated student

**Comparison of the A-B-C-D-F Schools Rating Act with
6.19.8 NMAC, Grading of Public Schools (includes May 31, 2012 amendments)**

Provision		A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)
Determination of a School's Grade, continued:	Elementary & Middle Schools, continued:		<p>participation in extracurricular activities, where:</p> <ol style="list-style-type: none"> a. parental involvement shall include but not be limited to innovative school programs involving parental input, detailed parental surveys on key educational initiatives, successful school and parent partnerships, increasing parental volunteerism, parental membership on audit committees, and improvement of communication, all of which shall be verifiable; and b. extracurricular activities shall include any single or combination of student participatory activities that include but are not limited to campus based academic activities and fine arts activities, campus based leadership activities, or any of the activities governed by the New Mexico Activities Association, all of which shall be verifiable. (6.19.8.9(A)) <p>After totaling the points of each indicator, the following grade shall be assigned:</p> <ol style="list-style-type: none"> 1. "A" for 75 points or higher; 2. "B" for 60 to less than 75 points; 3. "C" for 50 to less than 60 points; 4. "D" for 37.5 to less than 50 points; and 5. "F" for less than 37.5 points. (6.19.8.9 (B))
	High Schools:	Not included	<p>The indicators shall be weighted by assigning up to a maximum of 100 points:</p> <ol style="list-style-type: none"> 1. 30 points for student performance, including achievement on the NMSBA, of which 20 points shall be based on status proficiency and 10 points on VAM; 2. 10 points for student growth <i>based on NMSBA</i>; 3. 10 points for student growth of the lowest 25th % of students in the high school <i>based on NMSBA</i>; 4. 10 points for school growth based on NMSBA; 5. 8 points for the 4-year cohort graduation rate; 6. 5 points for school growth in the 4-year cohort graduation rate; <u>but schools that don't have members of any cohort are exempt from the</u>

**Comparison of the A-B-C-D-F Schools Rating Act with
6.19.8 NMAC, Grading of Public Schools (includes May 31, 2012 amendments)**

Provision		A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)
Determination of a School's Grade, continued:	High Schools, continued:		<p><u>graduation component for that year; the exempted school's grade will be comprised of the remaining grading components, with its overall points adjusted to the standardized scale;</u></p> <p>7. 4 points for the 5- and 6-year cohort graduation rate; <u>but schools that don't have members of any cohort are exempt from the graduation component for that year; the exempted school's grade will be comprised of the remaining grading components, with its overall points adjusted to the standardized scale;</u></p> <p>8. 5 points for student participation in college- or career-readiness;</p> <p>9. 10 points for student success in college- or career-readiness;</p> <p>10. 3 points for school attendance;</p> <p>11. 5 points for the results of an opportunity to learn survey;</p> <p>12. in addition to the 100 points described above, a high school may be assigned a total of 5 bonus points for either demonstrated parental involvement or demonstrated student participation in extracurricular activities where:</p> <p>a. parental involvement shall include but not be limited to verifiable innovative school programs involving parental input, detailed parental surveys on key educational initiatives, successful school and parent partnerships, increasing parental volunteerism, parental membership on audit committees, and improvement of communication, all of which shall be verifiable; and</p> <p>b. extracurricular activities shall include any single or combination of verifiable student participatory activities that include but are not limited to campus based academic activities and fine arts activities, campus based leadership activities, or any of the activities governed by the New Mexico activities association. (6.19.8.9 (C))</p> <p>After totaling the percentage scores and corresponding points of each indicator, the following grade shall be assigned:</p> <p>1. "A" for 75 points or higher;</p> <p>2. "B" for 65 to less than 75 points;</p> <p>3. "C" for 50 to less than 65 points;</p> <p>4. "D" for 35 to less than 50 points; and</p> <p>5. "F" for less than 35 points. (6.19.8.9 (D))</p>

**Comparison of the A-B-C-D-F Schools Rating Act with
6.19.8 NMAC, Grading of Public Schools (includes May 31, 2012 amendments)**

Provision	A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)
<p>Determination of a School's Grade, continued:</p> <p><u>Supplemental Accountability Model</u> (High Schools)</p>	<p><u>Not included.</u></p>	<p><u>A school will qualify as a supplemental accountability model, or "SAM" when they serve a higher proportion of returning dropouts or students with disabilities. Using modifications for graduation, career & college readiness, and bonus points, SAMs must meet all other indicators for high schools, except that:</u></p> <ol style="list-style-type: none"> 1. <u>graduation cohort assignments will be made at the time the student enters the SAM school, based on the student's grade at entry;</u> 2. <u>career & college readiness participation and success may be demonstrated by meeting benchmark scores on career readiness assessments approved by PED; and</u> 3. <u>bonus points can include evidence that the school is meeting goals specialized for the non-traditional student population.</u>
<p><u>Participation Rate</u> (High Schools)</p>	<p><u>Not included.</u></p>	<p><u>To determine the participation rate, schools and districts must test 95% or more of students enrolled in tested grades, as well as 95% of those students in the lowest quartile. If either all students test or all in the lowest quartile are fewer than 40 students, participation will be averaged across the current and 2 prior years for that group. A school or district's failure to meet 95% in either group will result in their overall grade being reduced by one letter grade.</u></p>
<p>Limited Exception:</p>	<p>Not included.</p>	<p>Despite the grading of public schools as established by this rule, any school that meets adequate yearly progress pursuant to the federal No Child Left Behind Act of 2001 during the 2011-2012 school year shall not be assigned a grade lower than a C. This consideration shall not be available in subsequent school years.</p>
<p>Prioritization of District Resources:</p>	<p>The department shall ensure that a local school board or governing body of a charter school is prioritizing resources of a public school rated D or F toward proven programs and methods linked to improved student achievement until the public school earns a grade of C or better for two consecutive years. (§§ 4(E), 5(A)(3), 6(B), which are a</p>	<p>As part of the annual budget approval process pursuant to Section 22-8-11 NMSA 1978, on or before July 1 of each year, the department shall ensure that a local school board or governing body of a charter school is prioritizing resources of a public school rated D or F toward proven programs and methods linked to improved student achievement until the public school earns a grade of C or better for two consecutive school years. (6.19.8.10(A))</p>

**Comparison of the A-B-C-D-F Schools Rating Act with
6.19.8 NMAC, Grading of Public Schools (includes May 31, 2012 amendments)**

Provision	A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)
	section of the <i>A-B-C-D-F School Ratings Act</i> and two sections of the <i>Public School Finance Act</i> .	
Determining Prioritization of Resources:	Not included.	<p>To determine the prioritization of resources of a public school rated D or F, the department shall examine any combination of: (6.19.8.10(B))</p> <ol style="list-style-type: none"> 1. a school’s core curricula in reading and mathematics; 2. a school’s intervention curricula in reading and mathematics; 3. a school’s current professional development activities for licensed staff including any efforts or plans to align that professional development to the school’s deficiencies in reading and mathematics; 4. its educational plan for student success; 5. the licensure and documented skill set of the school’s teachers and administrators; 6. any short cycle assessments administered by the school in reading or mathematics; 7. any learning software used by the school to teach reading or mathematics; 8. any district or PED data related to student proficiency in reading or mathematics, high school graduation rates, advanced placement courses, growth in high school graduation rates, and ACT, PSAT, SAT, PLAN, accuplacer, international baccalaureate or IB, or AP scores; and 9. specific expenditures by the school related to teaching and assessing student proficiency in reading or mathematics; intervention under the state’s framework; alignment of curriculum, instruction and professional development to common core; alignment to cultural based education principles; and parental involvement
PED-recommended Programs:	Not included.	<p>The department shall recommend additional proven programs and methods to local school boards and charter school governing bodies that are linked to improved student achievement.</p> <p>Each local school board and charter school governing body shall carefully</p>

**Comparison of the A-B-C-D-F Schools Rating Act with
6.19.8 NMAC, Grading of Public Schools (includes May 31, 2012 amendments)**

Provision	A-B-C-D-F Schools Rating Act	Implementing Rules (6.19.8 NMAC Grading of Public Schools)
		consider the implementation of one or more recommended program or method until their failing school earns a grade of “C” or better for two consecutive school years. If after two consecutive school years, a school continues to earn a grade of “F,” the local school board or charter school governing authority shall implement new proven programs or methods that will result in increased student success. (6.19.8.10(C))
District-identified Programs, Exception:	Not included.	A local school board or charter school governing authority choosing not to implement PED-recommended proven programs or methods must demonstrate with student achievement data and in writing to the department that they have already identified and implemented a proven program or method linked to improved student achievement in reading and mathematics. (6.19.8.10(D))
Small School Considerations:	Not included.	To calculate the school grade of a school with an enrollment of fewer than 25-30 students <u>in the assessed grades</u> , the department shall where possible apply an alternate proficiency calculation that accumulates student proficiencies based on one or two immediately preceding years until a minimum group size is met. Once the minimum group size is met, the assessment data shall be used in grading that school, mitigate the impact of school size by using multiple years of data and consider the reliability of school estimates in calculation. <u>mitigate the impact of school size by using multiple years of data and consider the reliability of school estimates in calculation.</u> (6.19.8.11(A))
Non-Assessment Considerations:	Not included.	Schools such as kindergarten through grade two schools or ninth grade that are comprised of grades that are not included in the administration of standards-based assessment, shall be assigned the assessment data using a reconstituted student group of alumnae from that school in their first tested grade. If no alumnae exist, the school’s feeder pattern will be used to assign a grade from the receiving school. If no feeder pattern exists, the school will be assigned the grade from the parent district. (6.19.8.11(B))

ATTACHMENT 2

NCLB/ESEA Definitions	
Annual Measurable Objectives (AMOs)	Statewide student assessment benchmarks established by PED for different grade levels.
Schools in Need of Improvement (SINOI) Designation	Designation refers to the placement of a school, district, or state in the correctional ladder. Designations are based on the sequence of years AYP is either met or not met and its computation requires historical data. The designations are in increasing order of severity from level 1 to 5.
No Designation - "Progressing"	School made AYP and is progressing - no consequences
Level 1: School Improvement 1 (SI-1)	Did not meet AYP in the same subject(s) and/or other indicator* for two consecutive years
Level 2: School Improvement 2 (SI-2)	Did not meet AYP in the same subject(s) and/or other indicator* after being in S-1.
Level 3: Corrective Action (CA)	Did not meet AYP in the same subject(s) and/or other indicator* after being in S-2.
Level 4: Restructuring 1 (R-1)	Did not meet AYP in the same subject(s) and/or other indicator* after being in CA
Level 5: Restructuring 2 (R-2)	Did not meet AYP in the same subject(s) and/or other indicator* after being in R1
<p>NOTES: Schools failing to make AYP for 2 consecutive years enter the school improvement continuum. Each additional year in failure to Meet AYP moves the school further down the continuum. In the first year that a school makes AYP while they are in the improvement continuum, they receive a "Delay" in their designation. When a school is in delay status and makes AYP for a second year, the NCLB designation is removed and they are given the designation of "Progressing". However, if a school misses AYP while in "Delay", the next most serious designation is applied to the school. In other words, "Delay" only stops the progression to a more serious designation when the school makes AYP.</p>	

ATTACHMENT 3

A-F School Rating System Key Definitions	
A-B-C-D-F Schools Rating Act	The new state public school accountability system (Laws 2011, Chapter 10)
Student Growth Targets (SGTs)	PED has developed a model that measures school growth using a combination of factors known as SGTs
Quartile 1 (Q1) and Quartile 3 (Q3)	Q1 represents the bottom 25% quartile, the lowest performing students; and Q3 represents the top 75% quartile, the highest performing students.
Conditional Status	Represents the current standing of a school, acknowledging differences in student factors that are outside of a school's control. This is estimated simultaneously with School Growth using a mixed effects Value Added Model (VAM).
Opportunity to Learn	Represents 1) student attendance and 2) scores on a 10 item survey administered to students annually during standardized testing. The survey measures the extent to which classroom teachers demonstrate instructional practices known to facilitate student learning.
Reward School	Received an overall grade of an A and either in high current standing and good growth OR high growth and average current standing OR has either a high or rapidly improving graduation rate
Strategic School	Received an overall grade of a "C" or lower and has a Q1-Q3 gap that is among the top 25%
Focus School	Not a priority school and has a graduation rate less than 60% OR has a Q1 to Q3 gap among the top 25% gaps and has a Q1 growth grade of "D" or "F"
Priority School (or "F" Schools*)	Current Tier 1 SIG schools and all schools with an overall grade of "F" and graduation rate of less than 60% and schools with the lowest overall grade points (schools with multiple "F"s)
Turnaround Principles	There are seven turnaround principles that include detailed interventions for targeting school improvement.
Providing Strong Leadership (#1)	Under this turnaround principle the school must: 1) review the performance of the current principal; 2) either replace the principal if such a change is necessary to ensure strong and effective leadership; or demonstrate to the SEA that the current principal has a track record of improving achievement and has the ability to lead the turnaround effort; 3) provide the principal with operational flexibility in the areas of scheduling, staffing, curriculum, and budget.
Strengthening Teacher Effectiveness (#2)	Under this turnaround principle the school must: 1) review the quality of all staff and retain only those who are determined to be effective and have the ability to be successful in the turnaround effort; 2) prevent ineffective teachers from transferring to these schools; and 3) providing job-embedded, ongoing professional development informed by the teacher evaluation and support systems and tied to teacher and student needs.
Redesigning School Day, Week or Year (#3)	Under this turnaround principle the school must include additional time for collaboration on the use of data.
Providing Strong Instructional Programs(#4)	Under this turnaround principle the school must implement research-based, rigorous instructional programs based on student needs and aligned with state standards.
Ensuring Use of Data(#5)	Under this turnaround principle the school must use data to inform instruction including providing time for collaboration on data use.
Improving School Environment (#6)	Under this turnaround principle the school must address other non-academic factors such as school safety and discipline that impact student achievement (other factors may include: students' social, emotional, and health needs)
Enhancing Family and Community Engagement (#7)	Under this turnaround principle the school must continue providing ongoing mechanisms for family and community engagement
*If a school receives an "F" for two consecutive years PED will be tasked with managing the school's budget in order to target the funding to the interventions identified in the principles.	

ATTACHMENT 4

Reward Schools		
Levels	Category	Clarification
1	Highest Performers with good progress	Overall grade of an "A" and Q1* growth > B, Q3* growth at least a "C"
2	Highest Performers with good progress	Overall grade of an "A" and Q3 growth > "B", Q1 growth at least a "C"
3	Highest Performers & high Graduation Rates	Overall grade of an "A" grade and graduation rate > 85%.
4	High Graduation Rate Growth	Total number of schools with at least a grade of "C" and graduation rate growth of 10% annually.
5	Highest Progress	Total number of schools with at least a grade of "C" and Q1 growth of "A" and Q3 grade of "A".
Notes: *Q1 =Bottom Quartile, Q3 = highest performing three quartiles		

Priority Schools	
Category	Qualifying Factors
1	Any school classified as a Tier 1 SIG School
2	Schools with an overall grade of an "F" and a graduation rate* < 60%
3	Schools with an overall grade of an "F" not identified in any of the other three priority categories 1 or 2.
Notes: *Graduation rates include 4-year and 5-year cohorts only	

School Grade Breakdown by Grade Level

Elementary School*			Middle School			High School		
		454			181			192
A	9%	41	A	7%	13	A	10%	19
B	26%	118	B	17%	31	B	23%	44
C	29%	132	C	31%	56	C	35%	67
D	26%	118	D	33%	60	D	22%	42
F	11%	50	F	12%	22	F	10%	19
Notes: *Elementary Schools total 101% which exceeds the number of schools graded by 5 schools								

ATTACHMENT 6

Elementary and Middle School Grading System Matrix			
School Grade: Indicators and Points	Elementary & Middle Schools	Points	
<u>Current Standing</u>	Percent Proficient	25	40
Conditional Status How did students perform in the most recent school year?	Value added accounting for a school's student characteristics for the past 3 years.	15	
<u>School Growth</u> In the past 3 years did schools increase grade level performance?	Value added accounting for a school's student characteristics for the past 3 years.	10	10
<u>Growth of Highest Performing Students</u> How well did the school help the top 75% of individual students improve?	Individual student growth model using 3 years of student performance.	20	20
<u>Growth of Lowest Performing Students</u> How well did the school help the lowest 25% of individual students improve?	Individual student growth model using 3 years of student performance.	20	20
Opportunity to Learn Does the school foster an environment that facilitates learning?	Attendance for all students	5	10
	Classroom survey	5	
Total			100
Student and Parent Engagement Does the school encourage students and parents to be involved?		Bonus Points	+5

High School Grading System Matrix			
School Grade: Indicators and Points	High Schools	Points	
<u>Current Standing</u>	Percent Proficient	20	30
Conditional Status How did students perform in the most recent school year?	Value added accounting for a school's student characteristics for the past 3 years.	10	
<u>School Growth of Highest Performing Students</u> How well did the school help the highest 75% of individual students improve?	Value added accounting for a school's student characteristics for the past 3 years.	15	15
<u>School Growth of Lowest Performing Students</u> How well did the school help the lowest 25% of individual students improve?	Value added accounting for a school's student characteristics for the past 3 years.	15	15
Graduation How does the school contribute to on-time graduation and improve over time?	Percent graduating in 4 years	8	17
	Percent graduating in 5 years	4	
	Value added model of school growth, estimating growth over the past 3 years.	5	
Career and College Readiness Are students prepared for college and career and what lies ahead after high school?	Percent of all students that participated in one of the alternatives	5	15
	Percent of participants that met a success benchmark	10	
Opportunity to Learn Does the school foster an environment that facilitates learning?	Attendance for all students	3	8
	Classroom survey	5	
Total			100
Student and Parent Engagement Does the school encourage students and parents to be involved?		Bonus Points	+5