

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 34

51st Legislature, 2nd Session, 2014

Tracking Number: .194924.3

Short Title: No Standards-Based Tests Factored into GPA

Sponsor(s): Senator Timothy M. Keller and Representative Mimi Stewart

Analyst: Travis Dulany

Date: February 6, 2014

Bill Summary:

SB 34 adds new material to the *Public School Code* (code) to provide for a waiver from any standards-based assessment that is not factored into a student's grade point average (GPA).

Among its provisions, the bill specifies that notwithstanding the current provisions in the code:

- a student is to receive a waiver effective for the school year in which the student's parent has submitted, electronically or in writing, to the principal of a public school or school leader of a charter school attended by the student, a request for a waiver from taking any standards-based assessment that is not factored into the student's GPA;
- the absence of assessment results pursuant to SB 34 shall not affect:
 - the student's eligibility to participate in any activity sanctioned by the school or the New Mexico Activities Association;
 - the student's eligibility to graduate from high school;
 - promotion and retention decisions regarding the student;
 - school personnel decisions or consequences pursuant to the *School Personnel Act* or department rule; or
 - school ratings pursuant to the *A-B-C-D-F School Ratings Act* or department rule; and
- a student's absence on days when a standards-based assessment that is not factored into the student's GPA is administered shall not affect the student's attendance record.

Fiscal Impact:

SB 34 does not contain an appropriation.

Fiscal Issues:

According to the Public Education Department (PED) bill analysis:

- New Mexico currently receives \$120 million in federal Title I funding;
- every state is required to assess at least 95 percent of all students as a condition of said funding; and
- enactment of SB 34 could significantly decrease or eliminate these Title I funds.

Substantive Issues:

According to PED, New Mexico currently requires the use of the standards-based assessment for students in grades 3-8, 10, and 11. Short-cycle assessments are also required for students in grades 9 and 10.

2013 Interim Testimony to the Legislative Education Study Committee:

In 2013, the Legislature passed HJM 30, *Study Uses of Standardized Test Scores*, which requested the Legislative Education Study Committee (LESC) to convene a work group to study the validity of using standards-based assessments for other purposes, principally teacher and school administrator evaluation and school grading. In their discussion of HJM 30 during the June 2013 interim meeting, committee members decided not to convene a work group but instead to request a report about the memorial and related issues, a summary of which is included in the *Background* section of this analysis.

The LESL staff report on HJM 30 reviewed the assertions that led to the resolution and requested actions in the joint memorial. Among the points raised were, that:

- when used for their intended purpose – to measure the proficiency of individual students against content standards in academic disciplines – standardized student test scores can provide information to teachers regarding how their students are performing on identified standards, and they can help parents understand the academic proficiency of their students;
- in addition to teachers themselves, a number of factors beyond the teachers’ control affect student learning gains;
- there is broad agreement among statisticians, psychometricians, and economists that student test scores alone are not reliable and valid indicators of teacher effectiveness;
- analyses of value-added modeling have led researchers to doubt whether the methodology can accurately indicate teacher effectiveness; and
- tying teacher and principal evaluations to standardized test scores may lead to excessive focus on reading and mathematics and a subsequent narrowing and over-simplification of the curriculum.

The LESL staff report also noted the divided opinion on the usefulness of student assessment data as a means of evaluating teachers and principals:

- On one hand, in its analysis of HJM 30, PED says that student assessment scores “are a fundamental component of effectiveness evaluation systems, and research has found that student gains on standardized assessments are meaningfully related to more challenging achievement assessments, student perception surveys, expert observations of instructional practice, and assessments of teachers’ content knowledge.”
- On the other hand, other research identifies some cautions in the use of standardized student assessments in evaluating teachers:
 - A 2010 policy brief by the Economic Policy Institute concluded that basing 50 percent of a teacher’s evaluation on student test scores is “unwise” and that the “serious problems of attribution and nonrandom assignment of students,” as well as certain practical problems, “would still argue for serious limits on the use of test scores for teacher evaluation.”

- In January 2013, the Bill and Melinda Gates Foundation released the results of its three-year study on teacher effectiveness, the Measures of Effective Teaching (MET) Project. Among other findings, the MET Project concluded that a balanced approach using student surveys, classroom observations, and a teacher's track record of student achievement gains on state tests produces ratings that are less likely to fluctuate from year to year; and the MET project cautioned that anyone using these measures for high-stakes decisions should be cognizant of the possibility of error for individual teachers.

Supplementing the staff report on HJM 30 was a presentation by the Principal Research Analyst of the American Institutes for Research (AIR) Center on Great Teachers and Leaders (GTL) Center, which seeks to assist states in the implementation of evaluation systems that provide information on what educators do (professional practice) and on how well students learn (outcomes).

According to this testimony, 44 states and the District of Columbia have recently updated educator evaluation legislation or rules, and several others have changes pending. These changes include mandates or recommendations to incorporate student achievement data into educator evaluation, with some variation in the requirements and a focus on growth that takes student starting points into account rather than measuring a single point in time. Approximately 35 states, including New Mexico, use or will implement a statewide value-added or student growth percentile measure for tested grades and subjects.

Before using assessments for teacher evaluation, however, the AIR analyst concluded, one should ask whether the assessment or measure:

- aligns with what students are expected to learn and teachers are expected to teach;
- measures growth and fairly assesses all students; and
- has evidence of reliability.

Committee Referrals:

SCC/SEC/SJC

Related Bills:

SJM 18 *Standardized Test Funds Report*

*HB 66 *School Graduation & Diploma Requirements*

HB 227 *Limit Certain Standards-Based Assessments*

HB 329 *Home School Testing & Diplomas*

*HB 357 *Diploma for Students Meeting Requirements*