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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill Number	<u>SB229/aSEC/aHEC</u>	Sponsor	<u>Stewart</u>
Tracking Number	<u>.211912.3</u>	Committee Referrals	<u>SEC/SPAC; HEC</u>
Short Title	<u>School Support and Accountability Act</u>		
Analyst	<u>Bedeaux</u>	Original Date	<u>1/24/19</u>
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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

BILL SUMMARY

Synopsis of HEC Amendment

The House Education Committee Amendment to SB229 as amended by the Senate Education Committee (SB229/aSEC/aHEC) would reinstate the Legislative Education Study Committee (LESC) as a stakeholder with which the Public Education Department (PED) must consult in the development of rules for the School Support and Accountability System. Additionally, the amendment removes “progress of students toward a proficient scale score” as an accountability indicator and removes “traditional support” as a support designation.

Synopsis of SEC Amendment

The Senate Education Committee Amendment to SB229 (SB229/aSEC) struck LESC from the list of stakeholders with which PED must consult in the development of rules for the Support and Accountability System. In its place, the amendment added tribal nations.

Synopsis of Original Bill

Senate Bill 229 (SB229) would repeal the A-B-C-D-F Schools Rating Act and replace it with the School Support and Accountability Act. In compliance with the federal Every Student Succeeds Act (ESSA), the bill would differentiate and support Title I schools based on academic achievement and growth in math, English language arts, and science on statewide assessments; college, career, and civic readiness; chronic absenteeism; progress toward English language proficiency; and school climate. PED would be required to use these indicators to identify schools for traditional support, targeted support, comprehensive support, or more rigorous intervention. Additionally, the act would require PED to provide the technological framework for a school accountability and support dashboard for each public school in the state, which would display the school’s support designation, results from each indicator, and additional information about the opportunity to learn at each school, including the school’s mission, vision, and goals; curricula and instruction; resource allocation; and teacher quality.

FISCAL IMPACT

SB229/aSEC/aHEC does not contain an appropriation.

The statewide accountability and support dashboard will likely require significant technical expertise to design, which may require PED to contract with outside entities. When PED undertook a similar technical endeavor, the NMTeach teacher evaluation system, the Legislature made appropriations between \$4 million and \$5 million per year between FY15 and FY18. A 2018 LESC-LFC joint accountability report identified that, of the \$4.6 million appropriation for NMTeach in FY17, \$2 million was spent on a contract for continued maintenance of the NMTeach system, and about \$2 million went to Regional Education Cooperative 9 to provide NMTeach professional development. In FY19, the appropriation for NMTeach was reduced to \$2 million. It is unclear whether PED will need a similar contract to create a statewide school support and accountability dashboard.

SUBSTANTIVE ISSUES

Accountability Indicators. In compliance with ESSA, SB229/aSEC/aHEC would require PED to hold schools accountable for the following indicators:

- Academic achievement, as measured by student proficiency, student growth, progress of English learners toward English language proficiency, and, for high schools, the four-, five- and six-year adjusted cohort graduation rates; and
- Indicators of school quality and student success, as measured by chronic absenteeism, college, career, and civic readiness, and the educational climate of the school.

SB229/aSEC/aHEC would not assign weights to the listed indicators, which would require PED to establish the weights in administrative rule, as is done with the current school grading system. SB229/aSEC/aHEC would also require student data presented in each of the indicators to be disaggregated by demographic and racial subgroups, including every major ethnicity, gender, economically disadvantaged students, English learners, children with disabilities, and migrant students.

Designations of Support. Using the indicators listed above, SB229/aSEC/aHEC would establish designations of support for all public schools in the state. SB229/aSEC/aHEC would require PED to set a “support identification threshold” used to identify the lowest-performing 5 percent of Title I schools. Schools with a subgroup of students that score below the threshold would be identified for targeted support. Schools that score below the threshold overall, or schools with a four-year graduation rate below 67 percent, would be identified for comprehensive support. Schools that fail to exit comprehensive support status after a PED-determined number of years will be identified for a more rigorous intervention. The bill does not go into detail about how schools at each level will be supported, leaving the interventions to be offered at the discretion of PED.

Designations of School Quality and Student Success and Designations of Excellence. In addition to designations of support for all schools, SB229/aSEC/aHEC would establish designations of school quality and student success and designations of excellence for schools with strong scores. Designations of school quality and student success will be assigned if schools meet a specific standard set by PED on any indicator. Designations of excellence will be assigned to schools that score in the 90th percentile in any indicator. Because the designations are assigned for individual indicators, the system would create a holistic description of schools that allows a school

to be designated for comprehensive support while still noting the school may have an exemplary school climate. These designations would also be assigned for any school with American Indian or Hispanic students meeting the designation criteria.

School Support and Accountability Dashboard. SB229/aSEC/aHEC would require the department to publish the results of each indicator along with all designations in a transparent manner on a school support and accountability dashboard. The dashboard would also include the demographics of the students and staff of the school, results of a survey of relevant and engaging curriculum and instruction, a description of the allocation of educational resources, and the percentage of qualified and competent school staff. Additionally, each school would have an opportunity to share its mission, vision, and goals, and the dashboard would provide for optional comments from local school boards or charter school governing bodies about a school’s strengths, opportunities for improvement, and special programs. The dashboard demonstrates an intent to measure and track certain elements of each school’s opportunity to learn, but does not necessarily assign a score or designation for less tangible pieces of school climate.

ADMINISTRATIVE IMPLICATIONS

PED would be required to promulgate rules to establish weights for each element of the support and accountability system. PED analysis on SB229/aSEC/aHEC notes the bill would require a fully staffed accountability bureau to design the new system, and depending on the complexity of the system, may even need additional technical contractors.

The New Mexico ESSA state plan currently uses overall points in the school grading system as a means of compliance with ESSA. To ensure continued eligibility for federal Title I funds, PED would be required to submit an amended state plan to the United States Department of Education describing how the new accountability system identifies schools for targeted support, comprehensive support, and more rigorous interventions.

TECHNICAL ISSUES

The definition of a “local school board” in Section 2, Subsection H of the bill includes the governing body of a charter school, but does not explicitly include local school boards themselves. While the intent is clearly to refer to both school boards and charter school governing bodies, the sponsor may wish to amend this section to explicitly refer to both bodies.

To ensure PED is in compliance with ESSA and using the intended indicators to identify schools for support, the sponsor should amend the definition of “support identification threshold” in Section 2, Subsection O of the bill to refer specifically to the indicators in Section 3, Paragraphs (2) and (3) of Subsection B and Subsection C.

OTHER SIGNIFICANT ISSUES

School Support and Accountability Workgroup. Senate Memorial 145 of the 2017 legislative session asked LESC and PED to convene a workgroup of education stakeholders to study New Mexico’s school grading system and school accountability systems nationwide and make recommendations to improve school accountability in the state; the changes made in the bill are consistent with the recommendations made by a school support and accountability workgroup. The workgroup was comprised of 29 members representing each of the following groups: school teachers, principals, administrators, superintendents, charter school executive directors, school

board members, tribal communities, the New Mexico Learning Alliance, Mission: Graduate, the Albuquerque Teachers Federation, and the National Education Association’s New Mexico chapter. SB229/aSEC/aHEC would incorporate three of the workgroup’s four main recommendations regarding the statewide assessment and accountability system:

- *Summative Determination.* Rather than assigning a summative A to F letter grade to each school, the workgroup recommended the state assemble a school quality and student achievement dashboard. SB229/aSEC/aHEC would require PED to provide the technological framework for a dashboard including academic achievement data, school demographics, and opportunity to learn indicators. The dashboard would also allow schools to share their missions, visions, and goals and provide other comments about strengths, opportunities for improvement, and programs offered.
- *School Quality and Student Success.* As recommended by the workgroup, SB229/aSEC/aHEC would require PED to use a combination of measures to comply with ESSA’s school quality and student success indicator, including the following:
 - chronic absenteeism, including excused and unexcused absences;
 - student engagement and well-being as measured by a rigorous statewide student survey;
 - college-, career-, and civic-readiness as measured by college and career opportunity participation and success and an “on-track to graduate” indicator based on early warning signs; and
 - a survey of parents and families tracking attendance and student disengagement.
- *Opportunity to Learn.* The workgroup recommended the school accountability dashboard include some measurement of well-rounded curriculum and instruction, teacher resources and professional development, and the school’s physical environment to identify whether schools are providing the conditions that foster student success.

Assessments and Academic Achievement. One recommendation identified by the school support and accountability workgroup, “the development of a culturally relevant series of computer-adaptive interim assessments that result in a final summative score,” is not an element of SB229/aSEC/aHEC. The workgroup noted this type of assessment system could provide more immediate feedback for teachers and eliminate the need for weeks set aside for testing at the end of the school year. However, SB229/aSEC/aHEC would not make any changes to the statewide assessment system. Executive Order 2019-001, issued January 3, 2019, orders PED to begin transitioning away from the PARCC assessments. In a memo to school districts and charter schools, PED stated the assessment for the end of the 2018-2019 school year will be called the 2019 Spring Transition Assessment, and would reduce overall testing time by 30 percent, maintain comparability to prior years’ assessments, and be aligned to the Common Core State Standards.

ESSA Required Indicators and Identification Criteria. Indicators contained in SB229/aSEC/aHEC would meet the requirements of ESSA, which requires state accountability systems to hold schools accountable using the following five metrics at a minimum: proficiency on annual statewide assessments; progress of English learners in achieving English language proficiency; for elementary schools, student growth or another valid and reliable indicator; for high schools, the four-year graduation rate; and not less than one indicator of school quality and student success that allows for meaningful differentiation between schools and is valid, reliable, comparable and statewide. ESSA states the school quality and student success indicator may include student engagement, educator engagement, student access to and completion of advanced coursework, postsecondary readiness, school climate and safety, or any other indicator that meets the validity requirements. In the aggregate, ESSA requires the academic achievement and growth

indicators to have “much greater weight” than the school quality and student success indicator, though SB229/aSEC/aHEC does not establish weights for each indicator described.

CONSEQUENCE OF NOT ENACTING THE BILL

School grades would be assigned to schools at the conclusion of the 2018-2019 school year using new weights adopted by PED on December 31, 2018. PED amendments to 6.19.8 NMAC would assign school grades based on chronic absenteeism, modified elements of the college- and career-readiness indicator, and new indicators for English learner progress and science, technology, engineering, and mathematics (STEM) readiness. The rule also expanded the scope of school climate surveys, requiring the surveys to measure student and family engagement, educator collaboration, and other components of school quality in the domains of school climate, rigorous expectations, student-teacher relationships, belonging, and safety.

RELATED BILLS

HB92, Limit School Testing Time, limits the amount of time students may spend in standardized tests to three hours per day and 25 hours per year.

SOURCES OF INFORMATION

- LESC Files

TB/mc/mhg