

New Mexico State Department of Education

Consolidated State Application Accountability Workbook

**for State Grants under Title IX, Part C, Section 9302 of the Elementary and
Secondary Education Act (Public Law 107-110)**

**DUE: JANUARY 31, 2003
Updated August 2005**



**U. S. Department of Education
Office of Elementary and Secondary Education
Washington, D.C. 20202**

Instructions for Completing Consolidated State Application Accountability Workbook

By January 31, 2003, States must complete and submit to the Department this Consolidated State Application Accountability Workbook. We understand that some of the critical elements for the key principles may still be under consideration and may not yet be final State policy by the January 31 due date. States that do not have final approval for some of these elements or that have not finalized a decision on these elements by January 31 should, when completing the Workbook, indicate the status of each element which is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

Transmittal Instructions

To expedite the receipt of this Consolidated State Application Accountability Workbook, please send your submission via the Internet as a .doc file, pdf file, rtf or .txt file or provide the URL for the site where your submission is posted on the Internet. Send electronic submissions to conapp@ed.gov.

A State that submits only a paper submission should mail the submission by express courier to:

Celia Sims
U.S. Department of Education
400 Maryland Ave., SW
Room 3W300
Washington, D.C. 20202-6400
(202) 401-0113

PART I: Summary of Required Elements for State Accountability Systems

Instructions

The following chart is an overview of States' implementation of the critical elements required for approval of their State accountability systems. States must provide detailed implementation information for each of these elements in Part II of this Consolidated State Application Accountability Workbook.

For each of the elements listed in the following chart, States should indicate the current implementation status in their State using the following legend:

- F: State has a final policy, approved by all the required entities in the State (e.g., State Board of Education, State Legislature), for implementing this element in its accountability system.**
- P: State has a proposed policy for implementing this element in its accountability system, but must still receive approval by required entities in the State (e.g., State Board of Education, State Legislature).**
- W: State is still working on formulating a policy to implement this element in its accountability system.**

Summary of Implementation Status for Required Elements of
State Accountability Systems

Status	State Accountability System Element
Principle 1: All Schools	
F	1.1 Accountability system includes <i>all schools and districts in the state</i> .
F	1.2 Accountability system holds <i>all schools to the same criteria</i> .
F	1.3 Accountability system incorporates the <i>academic achievement standards</i> .
F	1.4 Accountability system provides <i>information in a timely manner</i> .
F	1.5 Accountability system includes <i>report cards</i> .
F	1.6 Accountability system includes <i>rewards and sanctions</i> .
Principle 2: All Students	
F	2.1 The accountability system includes <i>all students</i>
F	2.2 The accountability system has a consistent definition of <i>full academic year</i> .
F	2.3 The accountability system properly includes <i>mobile students</i> .
Principle 3: Method of AYP Determinations	
F	3.1 Accountability system expects <i>all student subgroups, public schools, and LEAs to reach proficiency by 2013-14</i> .
F	3.2 Accountability system has a method for determining whether <i>student subgroups, public schools, and LEAs made adequate yearly progress</i> .
F	3.2a Accountability system establishes a <i>starting point</i> .
F	3.2b Accountability system establishes <i>statewide annual measurable objectives</i> .
F	3.2c Accountability system establishes <i>intermediate goals</i> .
Principle 4: Annual Decisions	
F	4.1 The accountability system <i>determines annually the progress</i> of schools and districts.

STATUS Legend:

F – Final state policy

P – Proposed policy, awaiting State approval

W – Working to formulate policy

Principle 5: Subgroup Accountability

F	5.1	The accountability system <i>includes all the required student subgroups</i> .
F	5.2	The accountability system holds <i>schools and LEAs accountable for the progress of student subgroups</i> .
F	5.3	The accountability system includes <i>students with disabilities</i> .
F	5.4	The accountability system includes <i>limited English proficient students</i> .
F	5.5	The State has determined the minimum number of students sufficient to yield statistically reliable information for each purpose for which disaggregated data are used.
F	5.6	The State has strategies to protect the privacy of individual students in reporting achievement results and in determining whether schools and LEAs are making adequate yearly progress on the basis of disaggregated subgroups.

Principle 6: Based on Academic Assessments

F	6.1	Accountability system is based <i>primarily on academic assessments</i> .
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Principle 7: Additional Indicators

F	7.1	Accountability system includes <i>graduation rate for high schools</i> .
F	7.2	Accountability system includes an <i>additional academic indicator for elementary and middle schools</i> .
F	7.3	Additional indicators are valid and reliable.

Principle 8: Separate Decisions for Reading/Language Arts and Mathematics

F	8.1	Accountability system holds students, schools and districts separately accountable for <i>reading/language arts and mathematics</i> .
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Principle 9: System Validity and Reliability

F	9.1	Accountability system produces <i>reliable decisions</i> .
F	9.2	Accountability system produces <i>valid decisions</i> .
F	9.3	State has a plan for addressing <i>changes in assessment and student population</i> .

Principle 10: Participation Rate

F	10.1	Accountability system has a means for calculating the <i>rate of participation</i> in the statewide assessment.
F	10.2	Accountability system has a means for <i>applying the 95% assessment criteria to student subgroups and small schools</i> .

STATUS Legend:

- F – Final policy
- P – Proposed Policy, awaiting State approval
- W– Working to formulate policy

PART II: State Response and Activities for Meeting State Accountability System Requirements

Instructions

In Part II of this Workbook, States are to provide detailed information for each of the critical elements required for State accountability systems. States should answer the questions asked about each of the critical elements in the State's accountability system. States that do not have final approval for any of these elements or that have not finalized a decision on these elements by January 31, 2003, should, when completing this section of the Workbook, indicate the status of each element that is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

PRINCIPLE 1.

A single statewide Accountability System applied to all public schools and LEAs.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.1 How does the State Accountability System include every public school and LEA in the State?</p>	<p>Every public school and LEA is required to make adequate yearly progress and is included in the State Accountability System.</p> <p>State has a definition of “public school” and “LEA” for AYP accountability purposes.</p> <ul style="list-style-type: none"> • The State Accountability System produces AYP decisions for all public schools, including public schools with variant grade configurations (e.g., K-12), public schools that serve special populations (e.g., alternative public schools, juvenile institutions, state public schools for the blind) and public charter schools. It also holds accountable public schools with no grades assessed (e.g., K-2). 	<p>A public school or LEA is not required to make adequate yearly progress and is not included in the State Accountability System.</p> <p>State policy systematically excludes certain public schools and/or LEAs.</p>
<p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

All 758 public schools in New Mexico receive public funds. Each public school in New Mexico is assigned a separate identification code. Of these schools, 533 public schools from 89 school districts receive Title I funds. Additionally, 227 public schools do not receive Title I funds. Each of the 89 school districts has a separate district identification code. Alternative schools (state supported residential schools, including the School for the Visually Impaired, New Mexico School for the Deaf, Mimbres School-Children’s Psychiatric Center and the Juvenile Detention Facilities) have separate district codes. Charter schools have the same district code from the district in which they are located and a separate school code.

New Mexico schools that contain some configuration of grades kindergarten through 2nd will be assigned the grade 3 data from the primary feeder schools “backwards” based on the New Mexico Standards Based Assessments for the determination of AYP.

NEW MEXICO DEFINITIONS OF SCHOOL AND DISTRICT

1. Public School: A public school is defined as that part of a school district that is a single attendance center where instruction is offered by a certified school instructor or group of certified instructors and is discernable as a building or group of buildings generally recognized as either an elementary, secondary, junior high or high school or any combination thereof [Section 22-1-2.M NMSA 1978].
2. Charter School: A conversion school or start-up school within a school district authorized by the local school board to operate as a charter school.
3. District means a public school district or a charter school district.

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CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?	<p>All public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination.</p> <p>If applicable, the AYP definition is integrated into the State Accountability System.</p>	Some public schools and LEAs are systematically judged on the basis of alternate criteria when making an AYP determination.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

For 2003-2004 SY AYP determinations, all New Mexico public schools were held to the same criteria by administering NM Standards Based Assessments in grades 4, 8, and 11. Beginning with the 2004-2005 SY, all New Mexico public schools will be held to the same criteria when making an AYP determination by administering the new New Mexico Standards Based Assessments in grades 3 through 9 and 11. NM will apply starting points and AMOs consistently to all schools and sub groups. Furthermore all schools will be expected to maintain 95% participation in the assessments for all groups and sub-groups with an N size of 40 or more, and all schools will be held accountable for one additional academic indicator. The additional academic indicator will be attendance in elementary and middle schools and graduation in high schools.

For 2003-2004 New Mexico schools that contained some configuration of grades kindergarten through 2nd were assigned the grade 4 data from the primary feeder schools “backwards” based on the New Mexico Standards Based Assessments for the determination of AYP. Beginning in 2004-2005, New Mexico schools that contain some configuration of grades kindergarten through 2nd will be assigned the grade 3 data from the primary feeder schools “backwards” based on the New Mexico Standards Based Assessments for the determination of AYP.

Elements	2003-04	2004-05
Assessment and Period	<ul style="list-style-type: none"> • CRT at grades 4, 8 and 11 (CRT English) • NRT at grades 4, 8, and 11 Spanish • 	<ul style="list-style-type: none"> • CRT grades 3 through 9 (English and Spanish) & 11 (English) • Develop academic achievement standards grades 3, 4, 5, 6, 7, 8, 9 and 11 for both English and Spanish CRTs.
Accountability System applied to all schools and school districts in New Mexico	<ul style="list-style-type: none"> • AYP applied to grades 4, 8, and 11 (CRT) • 95% participation applied for all groups and subgroups • Additional academic indicators applied to all schools (attendance – elementary/middle; graduation rate – high schools) 	<ul style="list-style-type: none"> • Recalibrate proficiency trajectories data from new assessments in grades 3, 5, 6, 7, 9 separately for reading and mathematics. • 95% participation applied to both systems for all groups and subgroups • Additional academic indicators applied to all schools (attendance – elementary/middle; graduation rate – high schools)
Identification of School and School District Improvement	<ul style="list-style-type: none"> • Ratings by August 1 for schools and districts for SY 04-05 	<ul style="list-style-type: none"> • Ratings by August 1 for schools and districts for SY 05-06

Elements	2003-04	2004-05
School Improvement Sanctions and Rewards	<ul style="list-style-type: none"> School choice and supplemental services by 1st day of school High improving schools rewards 	<ul style="list-style-type: none"> School choice and supplemental services by 1st day of school High Improving Schools rewards
National Assessment of Educational Progress (NAEP)	<ul style="list-style-type: none"> Schools and school districts must give the NAEP if chosen to do so. 	<ul style="list-style-type: none"> Schools and school districts must give the NAEP if chosen to do so.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.3 Does the State have, at a minimum, a definition of <i>basic</i> , <i>proficient</i> and <i>advanced</i> student achievement levels in reading/language arts and mathematics?	<p>State has defined three levels of student achievement: <i>basic</i>, <i>proficient</i> and <i>advanced</i>.¹</p> <p>Student achievement levels of <i>proficient</i> and <i>advanced</i> determine how well students are mastering the materials in the State's academic content standards; and the <i>basic</i> level of achievement provides complete information about the progress of lower-achieving students toward mastering the <i>proficient</i> and <i>advanced</i> levels.</p>	Standards do not meet the legislated requirements.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

In preparing for the implementation of the CRTs at grades 4, 8, and 11, NMPED conducted performance level descriptor writing sessions facilitated by Appalachian Education Labs (AEL) in October 2002. These sessions included teachers and other interested parties from around the state as well as NMPED staff. From these sessions, using the four-level descriptor method, "New Mexico Performance Descriptors for Language Arts and Mathematics" were developed. These descriptors will be used with the Standards Based Assessments to describe student's performance. Through this work New Mexico established four levels of student proficiency: Beginning Step, Nearing Proficiency, Proficient and Advanced. It is anticipated and expected that there will be further changes and modifications to the accountability system over time.

New Mexico will set achievement standards for the assessments in grades 3, 4, 5, 6, 7, 8, 9 and 11 during the 2004-2005 school year and prior to the release of the assessment results and the calculation of AYP on August 1, 2005.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.4 How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?	<p>State provides decisions about adequate yearly progress in time for LEAs to implement the required provisions before the beginning of the next academic year.</p> <p>State allows enough time to notify parents about public school choice or supplemental educational service options, time for parents to make an informed decision, and time to implement public school choice and supplemental educational services.</p>	Timeline does not provide sufficient time for LEAs to fulfill their responsibilities before the beginning of the next academic year.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The testing contractor will work with the NMPED to have all demographic data back to school districts to review and validate by the beginning of May of each year. Data will be returned to the NMPED from the present contractor by July 10, following each testing period. The NMPED will provide schools with ratings and data by August 1. This will allow two weeks, at the school level, to further validate data and prepare any response deemed necessary prior to the start of school (about the second week in August of each new school year). Assessment contracts have been reviewed with each contractor and dates have been set that support these timelines. The issue of timeliness has been addressed in the transition to the new testing system over the next few years.

The accountability system provide time for districts and schools to notify parents about public school choice or supplemental educational service options and time for parents to make informed decisions concerning public school choice and supplemental educational services. These timelines also provide sufficient time for the state to identify school improvement schools and corrective action schools and to initiate the process for implementing technical assistance and support services.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
1.5 Does the State Accountability System produce an annual State Report Card?	<p>The State Report Card includes all the required data elements [see Appendix A for the list of required data elements].</p> <p>The State Report Card is available to the public at the beginning of the academic year.</p> <p>The State Report Card is accessible in languages of major populations in the State, to the extent possible.</p> <p>Assessment results and other academic indicators (including graduation rates) are reported by student subgroups</p>	<p>The State Report Card does not include all the required data elements.</p> <p>The State Report Card is not available to the public.</p>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

In New Mexico, a fully developed reporting system exists for schools and school districts. Data are reported by academic achievement standards for all required disaggregated groups. The state report card is distributed to schools and school district representatives, legislators, and other interested parties. In addition, this report is posted on the NMPED website.

These data will be combined and modified where necessary to accommodate the requirements of No Child Left Behind. Data include:

1. Information, in the aggregate, on student achievement at each proficiency level on the State academic assessments (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the results would reveal personally identifiable information about an individual student.)
2. Information that provides a comparison between the actual achievement levels of each student subgroup and the State’s annual measurable objectives for each such group of students on each of the academic assessments.
3. The percentage of students not tested (disaggregated by the student subgroups), except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.
4. The most recent 2-year trend in student achievement in each subject area, and for each grade level, for the required assessments.

5. Aggregate information on all other indicators used by the State to determine the adequate yearly progress of students in achieving State academic achievement standards disaggregated by student subgroups.
6. Graduation rates for secondary school students disaggregated by student subgroups.
7. Information on the performance of schools and school districts in the State regarding making adequate yearly progress, including the number and names of each school identified for school improvement.
8. The professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs? ²	State uses one or more types of rewards and sanctions, where the criteria are: <ul style="list-style-type: none"> • Set by the State; • Based on adequate yearly progress decisions; and, • Applied uniformly across public schools and LEAs. 	State does not implement rewards or sanctions for public schools and LEAs based on adequate yearly progress.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The New Mexico School Reform Act provides for rewards and sanctions under (these provisions apply to all public schools):

22-2C-7. Adequate yearly progress; school improvement plans; corrective action.*

22-2C-8. Adequate Yearly Progress; supplemental incentive funding; state programs for other achievement.

22-2C-9. Incentives for school improvement fund; created; distributions.

22-2C-10. Schools in need of improvement fund; created.

****New Mexico Public Education Department***
SCHOOL REFORM ACT AND NO CHILD LEFT BEHIND
DESIGNATIONS AND REQUIREMENTS

School Improvement I:

- Notify parents at a public meeting of the school’s designation
- Develop/Revise/Implement a school improvement plan: Educational Plan for Student Success (EPSS)

• Provide public school choice to students ***School Improvement II:***

- Notify parents at a public meeting of the school’s designation
- Implement the school improvement plan (EPSS)
- Provide public school choice to students • Offer supplemental educational services (SES) to eligible students ***Corrective Action:***

- Notify parents at a public meeting of the school’s designation
- Implement the school improvement plan (EPSS)
- Provide public school choice to students • Offer supplemental educational services (SES) to eligible students • Take one or more of the following measures:
 - Replace staff as allowed by law
 - Implement a new curriculum
 - Decrease management authority of the public school

- Extend the school day or year
- Change the public school's internal organizational structure

Restructuring I:

- Notify parents at a public meeting of the school's designation
- Provide public school choice to students • Offer supplemental educational services (SES) to eligible students
- Develop an "alternative governance" plan that includes one of the following: Reopen the public school as a charter
 - Replace all or most of the staff as allowed by law
 - Turn over management of the public school to the department
 - Make other governance changes

Restructuring II:

- Notify parents at a public meeting of the school's designation
- Provide public school choice to students
- Offer supplemental educational services (SES) to eligible students
- Implement the "alternative governance" plan developed in Restructuring I

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
2.1 How does the State Accountability System include all students in the State?	<p>All students in the State are included in the State Accountability System.</p> <p>The definitions of “public school” and “LEA” account for all students enrolled in the public school district, regardless of program or type of public school.</p>	Public school students exist in the State for whom the State Accountability System makes no provision.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

New Mexico defines “public school” and LEA in the following ways:

1. **Public School:** A public school is defined as that part of a school district that is a single attendance center where instruction is offered by a certified school instructor or group of certified instructors and is discernable as a building or group of buildings generally recognized as either an elementary, secondary, junior high or high school or any combination thereof [Section 22-1-2.M NMSA 1978].
2. **Charter School:** A conversion school or start-up school within a school district authorized by the local school board to operate as a charter school.
3. **District** means a public school district or a charter school district.

Each of these definitions includes all students receiving a public education. Additionally New Mexico assigns a school code to each public school in the state and requires that each public school with a code be included in the State Accountability System. Students who attend a “program” must be assigned to a school with a school code for accountability purposes.

The State Assessment System and the Accountability Data System are aligned to insure that data are collected on all students and allow for the auditing of schools to insure that the State Accountability System includes all students.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>2.2 How does the State define “full academic year” for identifying students in AYP decisions?</p>	<p>The State has a definition of “full academic year” for determining which students are to be included in decisions about AYP.</p> <p>The definition of full academic year is consistent and applied statewide.</p>	<p>LEAs have varying definitions of “full academic year.”</p> <p>The State’s definition excludes students who must transfer from one district to another as they advance to the next grade.</p> <p>The definition of full academic year is not applied consistently.</p>
<p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

New Mexico defines a student enrolled for a “full academic year” for AYP purposes as a student who has been enrolled from test cycle to test cycle. Information from the State Assessment Student data grids from each, students test booklet and 120th day enrollment information from the Accountability Data System will be used to validate full academic year reporting.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>2.3 How does the State Accountability System determine which students have attended the same public school and/or LEA for a full academic year?</p>	<p>State holds public schools accountable for students who were enrolled at the same public school for a full academic year.</p> <p>State holds LEAs accountable for students who transfer during the full academic year from one public school within the district to another public school within the district.</p>	<p>State definition requires students to attend the same public school for more than a full academic year to be included in public school accountability.</p> <p>State definition requires students to attend school in the same district for more than a full academic year to be included in district accountability.</p> <p>State holds public schools accountable for students who have not attended the same public school for a full academic year.</p>
<p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

NMPED has incorporated in to the Assessment Student data grids on the test booklet a process for recording a full year academic year of enrollment for the purpose of tracking students enrolled for a full academic year and who transition form one grade configuration to the next (elementary school to middle school and middle school to high school). This definition and process is applied to each public school and LEA in New Mexico. Data from the State Assessment Student data grids and pre-coded labels, from each students test booklet and 120th enrollment information from the Accountability Data System will be used to document enrollment for a full academic year. This process will be enhanced by the implementation of a statewide student identification number (unique student ID) system implemented in the school year 2004-2005.

This process will allow the NMPED to verify student enrollment for a full academic year and will also provide a method for auditing schools and districts for student enrollment.

PRINCIPLE 3. State definition of AYP is based on expectations for growth in student achievement that is continuous and substantial, such that all students are proficient in reading/language arts and mathematics no later than 2013-2014.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
3.1 How does the State's definition of adequate yearly progress require all students to be proficient in reading/language arts and mathematics by the 2013-2014 academic year?	The State has a timeline for ensuring that all students will meet or exceed the State's proficient level of academic achievement in reading/language arts ³ and mathematics, not later than 2013-2014.	State definition does not require all students to achieve proficiency by 2013-2014. State extends the timeline past the 2013-2014 academic year.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The NMPED recognizes the need for all students to demonstrate proficiency by school year 2013-2014 in reading, and mathematics. For 2003-2004, AYP determinations were calculated using results from grades 4, 8, and 11 standards-based assessments. Beginning with the 2004-2005 SY and the implementation of new standards-based assessments, AYP will be calculated using the results from the Standards Based Assessment grades 3 through 9 and 11. Proficiency trajectories will be recalibrated in the summer of 2005. All students in New Mexico will be proficient by 2013-2014. This timeline will apply to all groups and subgroups in all public schools in New Mexico.

If, in any particular year the student subgroup does not meet annual measurable objectives, the public school or school district may be considered to have made AYP if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on one or more of the State's academic indicators; and that group had at least 95% participation rate on the statewide assessment.

A district shall be identified as in need of improvement only when it does not make AYP in the same subject area across all three grade spans (elementary, middle, and high school) for two consecutive years. All districts which fail to meet annual measurable objectives in the same content area (math and reading/language arts) or the additional indicator (attendance rate or graduation rate) for two consecutive years in both their elementary/middle school and high school levels are identified as in LEA Improvement status, or moved to the next improvement category, which is LEA Corrective Action. Districts which contain only one grade span level, either elementary/middle or high school, and fail to meet annual measurable objectives in the same content area (math and reading/language arts) or the additional indicator for two consecutive years are identified in LEA Improvement or moved to the next improvement category, LEA Corrective Action.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
3.2 How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?	<p>For a public school and LEA to make adequate yearly progress, each student subgroup must meet or exceed the State annual measurable objectives, each student subgroup must have at least a 95% participation rate in the statewide assessments, and the school must meet the State's requirement for other academic indicators.</p> <p>However, if in any particular year the student subgroup does not meet those annual measurable objectives, the public school or LEA may be considered to have made AYP, if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on one or more of the State's academic indicators; and that group had at least 95% participation rate on the statewide assessment.</p>	State uses different method for calculating how public schools and LEAs make AYP.

The NMPED is responsible for holding all schools and school districts accountable for the academic achievement of all

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

children. For 2003-2004, AYP determinations were calculated using results from grades 4, 8, and 11 standards-based assessments. In 2004-2005 all schools will be assigned ratings based on AYP utilizing results from the Standards Based Assessments in grades 3-9 and 11. Schools and districts that do not make AYP will receive the designation specified in federal statute. Determinations of whether a school or school district has made adequate yearly progress are based on the annual measurable objectives for performance and on the Standards Based Assessments, participation rates for the Standards Based Assessments, and one additional academic indicator.

A district shall be identified as in need of improvement only when it does not make AYP in the same subject area across all three grade spans (elementary, middle, and high school) for two consecutive years or fails to meet the additional indicator for two consecutive years.

Under provisions of Senate Bill 911 which gives the Secretary of Education the authority to establish regulation New Mexico adopted the following policy to support schools and meet federal regulatory requirements.

- Use of safe harbor: If a subgroup or all students in a school or district does not meet annual measurable objectives, a safe harbor test will be applied to determine if AYP has been met.
- The safe harbor test can be applied to any year when a measurable objective has not been met.
- Operationally, if the percentage of students in the subgroup meeting proficient levels of performance represents a decrease of at least 10 percent in the percent of students not meeting proficient levels of performance in the previous year, and the subgroup makes progress on one or

more of the other indicator(s) or is at or above the target, the subgroup will be considered to have met AYP [34 CFR 200.20].

- To qualify for safe harbor, all groups and subgroups must have tested at least 95% of the students in all the groups and subgroups.
- All indicators will be disaggregated by subgroup to be used with safe harbor.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2a What is the State's starting point for calculating Adequate Yearly Progress?</p>	<p>Using data from the 2001-2002 school year, the State established separate starting points in reading/language arts and mathematics for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement.</p> <p>Each starting point is based, at a minimum, on the higher of the following percentages of students at the proficient level: (1) the percentage in the State of proficient students in the lowest-achieving student subgroup; or, (2) the percentage of proficient students in a public school at the 20th percentile of the State's total enrollment among all schools ranked by the percentage of students at the proficient level.</p> <p>A State may use these procedures to establish separate starting points by grade span; however, the starting point must be the same for all like schools (e.g., one same starting point for all elementary schools, one same starting point for all middle schools...).</p>	<p>The State Accountability System uses a different method for calculating the starting point (or baseline data).</p>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Under its timeline waiver agreement for the 1994 IASA standards and assessment requirements, NM established starting points for grades 4 and 8 from standards-based assessments administered in 2002-2003 and for grade 11 from standards-based assessments administered in 2003-2004. In the Spring of 2005, New Mexico will implement new Standards Based Assessments in Grades 3 through 9 in the spring of 2005, and New Mexico will move its 11th grades Standards Based Assessment from the fall to the spring in the 2004-2005 school year. The addition of new assessments will necessitate a recalibration in the proficiency trajectories for reading/language arts and mathematics. New Mexico will apply the methodology prescribed in federal legislation for annual measurable objectives and intermediate goals, ensuring that all students are proficient by 2013-2014.

The annual measurable objectives and intermediate goals will be the same for all groups and subgroups in New Mexico's public schools and school districts. Please see tables in Critical Element 3.2b

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
3.2b What are the State's annual measurable objectives for determining adequate yearly progress?	<p>State has annual measurable objectives that are consistent with a state's intermediate goals and that identify for each year a minimum percentage of students who must meet or exceed the proficient level of academic achievement on the State's academic assessments.</p> <p>The State's annual measurable objectives ensure that all students meet or exceed the State's proficient level of academic achievement within the timeline.</p> <p>The State's annual measurable objectives are the same throughout the State for each public school, each LEA, and each subgroup of students.</p>	<p>The State Accountability System uses another method for calculating annual measurable objectives.</p> <p>The State Accountability System does not include annual measurable objectives.</p>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

Under its timeline waiver agreement for the 1994 IASA standards and assessment requirements, NM established starting points for grades 4 and 8 from standards-based assessments administered in 2002-2003 and for grade 11 from standards-based assessments administered in 2003-2004. In the Spring of 2005, New Mexico will implement new Standards Based Assessments in Grades 3 through 9 in the spring of 2005, and New Mexico will move its 11th grades Standards Based Assessment from the fall to the spring in the 2004-2005 school year. The addition of new assessments will necessitate a recalibration in the proficiency trajectories for reading/language arts and mathematics. New Mexico will apply the methodology prescribed in federal legislation for annual measurable objectives and intermediate goals, ensuring that all students are proficient by 2013-2014. .

New Mexico will use a non-linear model for determining improvement in AYP. The model that will be applied will emphasize an initial gradual increase in performance in the beginning years a significant increase in the middle years and slight increases in the final years, leading to 100% proficient by 2014. Consistent with the statute, NM's intermediate goals will increase in equal increments.

The AMOs for each grade configuration are presented in the following charts.

Starting Points, Annual Measurable Objectives Kindergarten – Grade 5					
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO	
2005	2004-05	P/K-05	40.85	24.13	
2006	2005-06	P/K-05	45.00	28.00	
2007	2006-07	P/K-05	49.00	33.00	
2008	2007-08	P/K-05	59.00	44.00	
2009	2008-09	P/K-05	63.00	50.00	
2010	2009-10	P/K-05	67.00	57.00	
2011	2010-11	P/K-05	77.00	68.00	

2012	2011-12	P/K-05	81.00	79.00
2013	2012-13	P/K-05	90.00	89.00
2014	2013-14	P/K-05	100.00	100.00

Starting Points, Annual Measurable Objectives Kindergarten – Grade 6				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	P/K-06	36.00	19.40
2006	2005-06	P/K-06	40.00	23.00
2007	2006-07	P/K-06	44.00	28.00
2008	2007-08	P/K-06	55.00	41.00
2009	2008-09	P/K-06	59.00	47.00
2010	2009-10	P/K-06	63.00	54.00
2011	2010-11	P/K-06	74.00	67.00
2012	2011-12	P/K-06	78.00	77.00
2013	2012-13	P/K-06	89.00	87.00
2014	2013-14	P/K-06	100.00	100.00

Starting Points, Annual Measurable Objectives Kindergarten – Grade 8				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	P/K-08	36.79	15.28
2006	2005-06	P/K-08	41.00	19.00
2007	2006-07	P/K-08	45.00	24.00
2008	2007-08	P/K-08	56.00	38.00
2009	2008-09	P/K-08	60.00	44.00
2010	2009-10	P/K-08	64.00	51.00
2011	2010-11	P/K-08	75.00	65.00
2012	2011-12	P/K-08	79.00	76.00
2013	2012-13	P/K-08	89.00	86.00
2014	2013-14	P/K-08	100.00	100.00

Starting Points, Annual Measurable Objectives Grade 6 – Grade 8				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	06-08	34.14	10.58
2006	2005-06	06-08	38.00	15.00
2007	2006-07	06-08	42.00	20.00
2008	2007-08	06-08	53.00	35.00
2009	2008-09	06-08	57.00	41.00
2010	2009-10	06-08	61.00	48.00
2011	2010-11	06-08	72.00	63.00
2012	2011-12	06-08	76.00	74.00
2013	2012-13	06-08	89.00	85.00
2014	2013-14	06-08	100.00	100.00

Starting Points, Annual Measurable Objectives Grade 7 – Grade 8				
Report Year	Test Year	AMO TYPE	Reading	Math

			AMO	AMO
2005	2004-05	07-08	37.17	10.75
2006	2005-06	07-08	41.00	15.00
2007	2006-07	07-08	45.00	20.00
2008	2007-08	07-08	56.00	35.00
2009	2008-09	07-08	60.00	41.00
2010	2009-10	07-08	64.00	48.00
2011	2010-11	07-08	75.00	63.00
2012	2011-12	07-08	79.00	74.00
2013	2012-13	07-08	89.00	85.00
2014	2013-14	07-08	100.00	100.00

Starting Points, Annual Measurable Objectives Grade 7 – Grade 12				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	07-12	37.30	14.42
2006	2005-06	07-12	41.00	18.00
2007	2006-07	07-12	45.00	23.00
2008	2007-08	07-12	56.00	37.00
2009	2008-09	07-12	60.00	43.00
2010	2009-10	07-12	64.00	50.00
2011	2010-11	07-12	75.00	64.00
2012	2011-12	07-12	79.00	75.00
2013	2012-13	07-12	89.00	86.00
2014	2013-14	07-12	100.00	100.00

Starting Points, Annual Measurable Objectives Grade 9 – Grade 12				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	09-12	37.30	18.29
2006	2005-06	09-12	41.00	22.00
2007	2006-07	09-12	45.00	27.00
2008	2007-08	09-12	56.00	40.00
2009	2008-09	09-12	60.00	46.00
2010	2009-10	09-12	64.00	53.00
2011	2010-11	09-12	75.00	66.00
2012	2011-12	09-12	79.00	77.00
2013	2012-13	09-12	89.00	87.00
2014	2013-14	09-12	100.00	100.00

Starting Points, Annual Measurable Objectives Kindergarten – Grade 12				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	P/K-12	37.23	15.79
2006	2005-06	P/K-12	41.00	20.00
2007	2006-07	P/K-12	45.00	25.00
2008	2007-08	P/K-12	56.00	39.00
2009	2008-09	P/K-12	60.00	45.00
2010	2009-10	P/K-12	64.00	52.00

2011	2010-11	P/K-12	75.00	66.00
2012	2011-12	P/K-12	79.00	76.00
2013	2012-13	P/K-12	89.00	86.00
2014	2013-14	P/K-12	100.00	100.00

New Mexico will apply a Weighted Indices Model to demonstrate a school’s improvement with students at all performance levels. This requires the ultimate achievement of 100% proficient or advanced by 2014. However, it also recognizes schools as they move students out of the lowest performance categories to higher performance categories. The following criteria are applied to the weighted indices: 1) the index as applied does not give extra weight to students scoring above proficiency so as to mask performance in the lower achievement levels, 2) the index can be calculated separately for reading and mathematics and for each relevant student subgroup, 3) the index does not allow schools to make AYP without also increasing the percent of students who are proficient, and 4) the index, is reflective of the annual measurable objectives and intermediate goals.

Weighted Indices Model

	Proportion of Students	Points	Index Points
Advanced	.05	100	5.0
Proficient	.10	100	10.0
Nearing Proficiency (High)	.20	75	15
Nearing Proficiency (Low)	.25	50	12.5
Beginning Step (High)	.30	25	7.5
Beginning Step (Low)	.10	0	0.0

Percent Proficient = 15
Index Score = 50

CRITICAL ELEMENT**EXAMPLES FOR MEETING REQUIREMENTS****EXAMPLES OF NOT MEETING REQUIREMENTS**

3.2c What are the State's intermediate goals for determining adequate yearly progress?

State has established intermediate goals that increase in equal increments over the period covered by the State timeline.

- The first incremental increase takes effect not later than the 2004-2005 academic year.
- Each following incremental increase occurs within three years.

The State uses another method for calculating intermediate goals.

The State does not include intermediate goals in its definition of adequate yearly progress.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

Under its timeline waiver agreement for the 1994 IASA standards and assessment requirements, NM established starting points for grades 4 and 8 from standards-based assessments administered in 2002-2003 and for grade 11 from standards-based assessments administered in 2003-2004. In the Spring of 2005, New Mexico will implement new Standards Based Assessments in Grades 3 through 9 in the spring of 2005, and New Mexico will move its 11th grades Standards Based Assessment from the fall to the spring in the 2004-2005 school year. The addition of new assessments will necessitate a recalibration in the proficiency trajectories for reading/language arts and mathematics. New Mexico will apply the methodology prescribed in federal legislation for annual measurable objectives and intermediate goals, ensuring that all students are proficient by 2013-2014. .

The intermediate goals will be based on New Mexico's model as described in Critical Element 3.2b.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State made AYP?	AYP decisions for each public school and LEA are made annually. ⁴	AYP decisions for public schools and LEAs are not made annually.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

For 2003-2004, AYP determinations were calculated using results from grades 4, 8, and 11 standards-based assessments. Beginning in 2004-2005, the New Mexico PED calculates AYP for each school and school district based on the results of the State's new Standards Based Assessment in grades 3 through 9 and 11, the determination of 95 % participation, and one additional academic indicator. The NMPED notifies each school and district as to whether or not it made AYP.

In the 2004 – 2005 school year the NMPED will implement an individual student identification system. When implemented, the NMPED will be able to match assessment and student data management systems to determine attendance, enrollment, participation, etc. The statewide student identification system will ensure validity and reliability through an ongoing audit process.

If, in any particular year the student subgroup does not meet annual measurable objectives, the public school or LEA may be considered to have made AYP if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on one or more of the State's academic indicators; and that group had at least 95% participation rate on the statewide assessment.

PRINCIPLE 5. All public schools and LEAs are held accountable for the achievement of individual subgroups.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.1 How does the definition of adequate yearly progress include all the required student subgroups?	<p>Identifies subgroups for defining adequate yearly progress: economically disadvantaged, major racial and ethnic groups, students with disabilities, and students with limited English proficiency.</p> <p>Provides definition and data source of subgroups for adequate yearly progress.</p>	State does not disaggregate data by each required student subgroup.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The following subgroups are required to make AYP and are disaggregated for reporting purposes in New Mexico statute:

- I. Race/Ethnicity:
 - Caucasian/White not of Hispanic origin
 - Black, not of Hispanic origin
 - Hispanic
 - Asian/Pacific Islander
 - American Indian/Alaskan native
- II. Economically disadvantaged students
- III. Students with disabilities
- IV. ELL (LEP) students

The NMPED will continue to implement a reporting system that provides student data about groups and subgroups. Electronic data files sent from the testing company are disaggregated by subgroups and placed in the correct accountability categories with data points assigned. School data reports are sent to schools and districts for verification of demographic data. Schools may review their data, identify potential errors and make corrections. Revised data reports are then used to calculate AYP for each subpopulation in each school and school district. Data from the State Assessment Student data grids and pre-coded labels, from each students test booklet will be used to document and monitor inclusion of all students all sub-groups in the determination of AYP.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of adequate yearly progress?	Public schools and LEAs are held accountable for student subgroup achievement: economically disadvantaged, major ethnic and racial groups, students with disabilities, and limited English proficient students.	State does not include student subgroups in its State Accountability System.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

As discussed in Principle 3 the following subgroups are required to make AYP and are disaggregated for reporting purposes in New Mexico:

- I. Race/Ethnicity:
 - Caucasian/White not of Hispanic origin
 - Black, not of Hispanic origin
 - Hispanic
 - Asian/Pacific Islander
 - American Indian/Alaskan native
- II. Economically disadvantaged students
- III. Students with disabilities
- IV. ELL (LEP) students

Electronic data files sent from the testing company are disaggregated by subgroups and placed in the correct accountability categories with data points assigned. School data reports are sent to schools and districts for verification of demographic data. Schools may review their data, identify potential errors, and make corrections. Revised data reports are then used to calculate AYP for each subpopulation in each school and school district. The implementation of an individual student identification system will, along with the data verification process, allow the NMPED to insure that all schools and school districts are accountable for all students in each sub-group. This process will also provide data which can be used to audit schools and districts regarding accountability for all students in each subgroup.

Each year NMPED staff will compare special education student data in ADS to test data for these same students. Specifically, the NMPED will verify the following information:

- Special education status
- Type of assessment—general or alternate
- Manner of participation in the general assessment—accommodated vs. standard

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.3 How are students with disabilities included in the State's definition of adequate yearly progress?	<p>All students with disabilities participate in statewide assessments: general assessments with or without accommodations or an alternate assessment based on grade level standards for the grade in which students are enrolled.</p> <p>State demonstrates that students with disabilities are fully included in the State Accountability System.</p>	<p>The State Accountability System or State policy excludes students with disabilities from participating in the statewide assessments.</p> <p>State cannot demonstrate that alternate assessments measure grade-level standards for the grade in which students are enrolled.</p>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The New Mexico Public Education Department (NMPED) has established statewide policies with regard to including students with disabilities in the State's assessment system in the form of regulations.

Each local educational agency and other public agencies when applicable shall include children with disabilities in all statewide and district-wide assessment programs, with appropriate accommodations and modifications in administration if necessary. LEAs shall use the current criteria, standards, methods and instruments approved by the Department for accommodations and modifications as specified in a student's IEP and for alternate assessments for the small number of students for whom alternate assessments are appropriate. Each public agency shall collect and report performance results in compliance with the requirements of 34 CFR Sec. 300.139 and any additional requirements established by the Department.

Further, NMPED's technical assistance manual, *Participation of Students with Disabilities in the New Mexico Statewide Assessment Program*, provides guidance to IEP teams on determining how a student should participate in state-mandated testing and in selecting appropriate accommodations. Page 14 of these technical assistance manual states as follows:

All students with disabilities will participate in the statewide assessment program in one of three ways:

- Standard administration of the general assessment in the exact same manner as their non-disabled peers (without accommodations).
- Administration of the general assessment with appropriate accommodations.
- Alternate Assessment

In order to comply with the requirements of Federal and State laws, the following procedures/guidelines apply:

- (a) Accommodations are allowed for students with disabilities on all New Mexico state-mandated tests.
- (b) Each school district is responsible for determining the appropriate assessments and/or appropriate test accommodations from the checklist to be utilized for testing of Students with Disabilities.
- (c) The district must maintain documentation regarding:
 - Number of students provided with accommodations;

- Number of students exited from requiring accommodations;
 - Kind(s) of accommodations provided.
- (d) The district must ensure that students do not receive accommodations without current justification supported by data. *It is expected that accommodations will not be required for students, year after year.*
- a) Each school must appoint knowledgeable school personnel to ensure that its testing procedures comply with Federal and State requirements.
- (e) The accommodations provided should be familiar to the student from his/her classroom experience. The test situation should not be the first time the student has utilized the specific accommodation(s). Students should already have sufficient experience in the use and application of the accommodation being considered.
- (f) Out-of-level testing will not be acceptable in New Mexico public schools. That is, a student in one grade level will not be allowed to substitute a lower grade-level test for the test appropriate for his/her actual grade level.

Students with significant disabilities who are unable to participate in the general assessment, even with accommodations, may participate in the New Mexico Alternate Assessment provided they meet the participation criteria.

Students with disabilities included in the State's assessment program are included in the New Mexico's Definition of Adequate Yearly Progress through State Statute and by their participation in the state assessment program. Data generated from the Accountability Data System and from Assessment Data Files are used to insure that students with disabilities are included in the New Mexico definition and application of AYP. For the purposes of AYP, New Mexico has developed Performance Level Descriptors for the Alternate Assessment which are linked to the coherent assessment plan. New Mexico will cap proficient scores resulting from all assessments based on alternate achievement standards at 1.0 percent for school districts and the state.

For AYP determinations based on spring 2005 test results for use during only the 2005/2006 academic year, New Mexico will implement the one-year flexibility described in Transition Option 1 of Education Secretary Margaret Spellings' letter of May 10, 2005.

For the determination of AYP based on 2004-2005 school year data New Mexico will apply transition option one for students with disabilities for the 2005-2006 school year AYP determination to middle and elementary schools only – high schools will not be eligible for this consideration. The methodology will be applied as follows:

1. New Mexico will calculate what 2.0 percent of the total number students assessed in elementary and middle school within the State equates to solely within the Students with Disabilities subgroup by dividing 2.0 by the percentage of Students With Disabilities (SWD). This number, which will be a constant for every eligible school, will be the basis for flexibility in school AYP determinations.
2. Identify all schools that did not make AYP solely on the basis of SWD subgroup and the proficiency rate of those students in each school.
3. Calculate the adjusted percent proficient for each school's SWD subgroup. This adjustment is equal to the sum of the actual percent of proficient scores of this subgroup plus the proxy percent calculated in Step 1.

4. Compare the adjusted percent for each school identified in Step 2 to the State's annual measurable objective (AMO). This comparison will be conducted without use of the confidence interval or other statistical treatments.
 - a. If the states adjusted proficiency rate for the school's SWD subgroup meets or exceeds the State's AMO, the school will be considered to have made AYP for the 2004-2005 school year.
 - b. If the adjusted proficiency rate for the school's SWD subgroup does not meet or exceed the State's AMO, the school did not make AYP for the 2004-2005 school year.
5. This process will be followed for reading and mathematics separately and also repeated at the district level, as needed.
6. The actual percent proficient will be reported to parents and the public, as well as the adjusted percent proficient.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?	<p>All LEP student participate in statewide assessments: general assessments with or without accommodations or a native language version of the general assessment based on grade level standards.</p> <p>State demonstrates that LEP students are fully included in the State Accountability System.</p>	LEP students are not fully included in the State Accountability System.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

Effective July 1, 1999, schools and school districts shall annually administer a standards-based criterion-referenced assessment to all students enrolled in a public school [NMSA 22-1-6.B].

Beginning in 2004-2005, A Spanish language CRT will be used in calculating AYP. Policy in New Mexico stipulates that upon request and submission of appropriate documentation, an additional two years may be approved in which students may take the test in the Spanish language. Students from other backgrounds may not be able to take the Spanish language test, but may be able to take the English test with appropriate accommodations.

In order to comply with the requirements of Federal and State laws, the following procedures/guidelines apply:

- (a) The accommodations listed in the checklist are allowed for ELL students on all New Mexico state-mandated tests.
- (b) Each school district is responsible for determining the appropriate assessments and/or appropriate test accommodations from the checklist to be utilized for testing of English Language Learners.
- (c) The district must maintain documentation regarding:
 - Number of students provided with accommodations;
 - Number of students exited from requiring accommodations;
 - Kind(s) of accommodations provided; and
 - Student progress in English language proficiency and academic achievement.
- (d) Decisions about using accommodations must be based on:
 - Annual review of student's progress in English language proficiency and academic achievement;
 - Student's current English language proficiency level;
 - Student's expected date for exiting ELL accommodations;
 - Student's experience and time in the United States school system(s);
 - Student's familiarity with using accommodations under consideration;
 - Student's age; and
 - Student's grade level
- (e) The district must ensure that students do not receive accommodations without current justification supported by data. *It is expected that accommodations will not be required for students, year after year.*

- (f) Each school must appoint knowledgeable school personnel to ensure that its testing procedures comply with Federal and State requirements. Schools must utilize a Student Assistance Team (SAT) for the purpose of reviewing student progress and determining needed interventions and/or accommodations. Personnel designated to determine appropriate accommodations may include:
- Student's Bilingual or ESL-endorsed teacher;
 - Bilingual Education Program coordinator;
 - Student's other classroom teacher(s);
 - Test administrators/coordinators;
 - Principal/counselor;
 - Parent (when appropriate);
 - Student (when appropriate).
- (g) The accommodations provided should be familiar to the student from his/her classroom experience. The test situation should not be the first time the student has utilized the specific accommodation(s). Students should already have sufficient experience in the use and application of the accommodation being considered.
- (h) Oral translation of the reading subtest passages into a student's home or native language is not allowed. Only the test directions or questions may be translated into student's home language if feasible. For other content areas, test directions, questions/items and response choice options may be translated into student's home language if feasible.
- (i) Out-of-level testing will not be acceptable in New Mexico public schools. That is, a student in one grade level will not be allowed to substitute a lower grade-level test for the test appropriate for his/her actual grade level.

ELL students included in the State's assessments are included in the New Mexico's Definition of Adequate Yearly Progress through State Statute and by their participation in the state assessment program. Data generated from the Accountability Data System and from Assessment Data Files are used to insure that ELL students are included in the New Mexico definition and application of AYP.

The New Mexico Public Education Department will allow ELL students during their first year of enrollment in U.S. schools to be assessed in English Language Proficiency instead of the reading/language arts assessment. As of fall of 2004, districts shall use one of the state approved language proficiency instruments (LAS, IPT, or Woodcock Muñoz). Starting in the Spring 2005, ELL students shall be assessed using the New Mexico English Language Proficiency Assessment (NMELPA).

The ELL students assessed by NMELPA can be counted toward meeting the 95 percent assessment participation requirement for AYP determinations for reading/language arts even if they did not take the reading/language arts assessment. Additionally, the first year that a student is identified as an ELL student will be counted as the first of the three years in which a student may take the reading/language arts assessment in his/her native language. Districts will be responsible for compiling and reporting data for tracking those students.

New Mexico will take advantage flexibility provide under NCLB and all former ELL students to be counted as ELL for AYP purposes for two additional years after exiting ELL programming and services.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?</p>	<p>State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.⁵</p> <p>Definition of subgroup will result in data that are statistically reliable.</p>	<p>State does not define the required number of students in a subgroup for reporting and accountability purposes.</p> <p>Definition is not applied consistently across the State.</p> <p>Definition does not result in data that are statistically reliable.</p>
<p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

New Mexico will use a minimum number of 25 for determining AYP, 10 for reporting purposes, and 40 for determining participation rates. Accountability ratings are developed for small schools using the rolling average technique set forth in this statute to include all school districts and schools in the accountability system. These numbers provide the NMPED a large enough sample size of students to use in making appropriate rating decisions about schools and school districts.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?	Definition does not reveal personally identifiable information. ⁶	Definition reveals personally identifiable information.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

New Mexico policy requires a minimum group size of 10 students for reporting results in the calculation of AYP to protect the privacy of students. The policy of New Mexico will be consistent with the Family Educational Right and Privacy Act (FERPA) on reporting by student subgroup that will prevent individual student scores from being revealed to the public.

PRINCIPLE 6. State definition of AYP is based primarily on the State’s academic assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
6.1 How is the State's definition of adequate yearly progress based primarily on academic assessments?	<p>Formula for AYP shows that decisions are based primarily on assessments.⁷</p> <p>Plan clearly identifies which assessments are included in accountability.</p>	Formula for AYP shows that decisions are based primarily on non-academic indicators or indicators other than the State assessments.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

New Mexico’s definition of AYP is based primarily on academic assessments. For 2003-2004, AYP determinations were calculated using results from grades 4, 8, and 11 standards-based assessments. Beginning in 2004-2005, standards based assessments grades 3 through 9 and 11 will be the primary assessment tool for AYP.

AYP will be calculated based on student performance on the Standards Based Assessments as described in sections 1.3, 3.1, 3.2 , 3.2a and 3.2b of this document.

PRINCIPLE 7. State definition of AYP includes graduation rates for public High schools and an additional indicator selected by the State for public Middle and public Elementary schools (such as attendance rates).

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
7.1 What is the State definition for the public high school graduation rate?	<p>State definition of graduation rate:</p> <ul style="list-style-type: none"> • Calculates the percentage of students, measured from the beginning of the school year, who graduate from public high school with a regular diploma (not including a GED or any other diploma not fully aligned with the state’s academic standards) in the standard number of years; or, • Uses another more accurate definition that has been approved by the Secretary; and • Must avoid counting a dropout as a transfer. <p>Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause⁸ to make AYP.</p>	State definition of public high school graduation rate does not meet these criteria.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

At present the graduation rate in New Mexico is calculated as follows:

- Number of 12th grade graduates divided by the number of 12th graders enrolled on the school’s 40th day of enrollment that same school year.

For example if a high school has 100 seniors on the 40th day of enrollment and 95 of these seniors graduate the school would have a 95% graduation rate.

NMPED will utilize this calculation as part of a school and district accountability status until data can be collected by four year cohort. It is projected that the 9th grade students from school year 2002-2003 will be the first cohort, graduating in school year 2005-2006.

In school year 2005-2006 the number of graduates divided by the number of students in the cohort will be the calculated graduation rate for schools. The cohort will include the following (add):

- students enrolled in 9th grade on the 40th day at a school in school year 2003-2004
- students entering the cohort after that date by virtue of transfer from another school
- students entering the cohort from lower grades who will graduate earlier than four years

The cohort will not include (may subtract):

- students who transfer to another school, residential treatment center , juvenile detention center (or other form of incarceration)
- students who are deceased
- students who graduate before school year 2006-2007
- students who leave the U.S. and its territories
- students who are new immigrants and are ELL, who enter the US and enroll in school after their 17th birthday

Students who drop out of school or enter a GED program or receive a GED diploma will not be subtracted from the cohort and will not be included in the number of graduating students.

Section 22-1-8.4 NMSA 1978 of the New Mexico Public School Code defines eligibility for graduation as the successful completion of twenty-three units and passing of all portions of the New Mexico High School Competency Examination by the time students exits the 12th grade. The current requirement for the calculation of the graduation rate for all high schools in New Mexico (including regular public schools, alternative schools, and charter high schools) is the rate of high school seniors beginning the 12th grade who graduated at the end of the school year. Students who do not complete twenty-three units and pass all portions of the New Mexico High School Competency Exam are not included in the yearly graduation rate. Students who pass portions of the New Mexico High School Competency Examination following their 12th grade year are not included in their school's graduation rates. Students who complete high school via a GED are not included in a school's graduation rate.

Each high school will meet AYP annually if they achieve a 90% graduation rate or equal or exceed the previous year's graduation rate or if the graduation rate averaged over three years (this year's rate and the two previous academic years) equals or exceeds the rate of the previous academic year.

A student with disabilities may be counted as graduating on time if the students individualized educational plan calls for extra years of high school beyond the age of eighteen and the student graduates with a standard diploma.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>7.2 What is the State's additional academic indicator for public elementary schools for the definition of AYP? For public middle schools for the definition of AYP?</p>	<p>State defines the additional academic indicators, e.g., additional State or locally administered assessments not included in the State assessment system, grade-to-grade retention rates or attendance rates.⁹</p> <p>An additional academic indicator is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause to make AYP.</p>	<p>State has not defined an additional academic indicator for elementary and middle schools.</p>
<p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

The NMPED will use the additional academic indicators of attendance rates for elementary and middle schools. Attendance rates will be reported as aggregate wholes for schools and only disaggregated for reporting purposes at the state level. Schools must achieve a 92% attendance rate to achieve AYP.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
7.3 Are the State's academic indicators valid and reliable?	<p>State has defined academic indicators that are valid and reliable.</p> <p>State has defined academic indicators that are consistent with nationally recognized standards, if any.</p>	<p>State has an academic indicator that is not valid and reliable.</p> <p>State has an academic indicator that is not consistent with nationally recognized standards.</p> <p>State has an academic indicator that is not consistent within grade levels.</p>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The Standards Based Assessments are aligned with state standards and will meet nationally recognized technical quality. The additional academic indicators (attendance rates, dropout rates, and high school graduation rates) are valid and reliable. These data are evaluated and validated using an auditing system described below:

- Data are reliable and valid as is indicated by the accuracy of the system in rating schools and in identifying school improvement schools and corrective action schools.
- Data are verified through the review and analysis process implemented by NMPED statisticians.
- Data are reviewed and analyzed by a local private contractor.
- Schools and districts are requested to review their data and check its accuracy in relation to school ratings.
- The attendance, dropout, and graduation rates are subject to a quality check system through the Accountability Data System (ADS) where data are transmitted and checked approximately every 40 days, on December 1, and the end of each school year.
- The NMPED's Internal Auditing Unit randomly verifies dropout data as part of their regular, announced, random, comprehensive district audits. This group will audit attendance and graduation rates beginning with school year 2003-2004.

PRINCIPLE 8. AYP is based on reading/language arts and mathematics achievement objectives.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
<p>8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?</p>	<p>State AYP determination for student subgroups, public schools and LEAs separately measures reading/language arts and mathematics.¹⁰</p> <p>AYP is a separate calculation for reading/language arts and mathematics for each group, public school, and LEA.</p>	<p>State AYP determination for student subgroups, public schools and LEAs averages or combines achievement across reading/language arts and mathematics.</p>
<p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

The accountability system ensured that separate measures were in place for reading and mathematics for the criterion-referenced assessments in grade 4 and 8, administered for the first time in March 2003 and in November 2003 for grade 11. These same measures will be in place for all grades tested (3 through 9, and 11) in March 2005.

In calculating AYP, schools and districts will be identified for improvement based on failing AYP for two (2) consecutive years on the same subjects.

PRINCIPLE 9. State Accountability System is statistically valid and reliable.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.1 How do AYP determinations meet the State's standard for acceptable reliability?</p>	<p>State has defined a method for determining an acceptable level of reliability (decision consistency) for AYP decisions.</p> <p>State provides evidence that decision consistency is (1) within the range deemed acceptable to the State, and (2) meets professional standards and practice.</p> <p>State publicly reports the estimate of decision consistency, and incorporates it appropriately into accountability decisions.</p> <p>State updates analysis and reporting of decision consistency at appropriate intervals.</p>	<p>State does not have an acceptable method for determining reliability (decision consistency) of accountability decisions, e.g., it reports only reliability coefficients for its assessments.</p> <p>State has parameters for acceptable reliability; however, the actual reliability (decision consistency) falls outside those parameters.</p> <p>State's evidence regarding accountability reliability (decision consistency) is not updated.</p>
<p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

The assessments meet0 nationally recognized standards for technical quality. The additional academic indicators (attendance rates, dropout rates, and high school graduation rates) are also valid and reliable. These data are evaluated and validated using an auditing system described below in addition to the statistical measures provided by the testing company:

- Data are reliable and valid as is indicated by the accuracy of the system in rating schools and in identifying school improvement schools and corrective action schools.
- Data are verified through the review and analysis process implemented by NMPED statisticians.
- Data are reviewed and analyzed by a local private contractor.
- Schools and districts are requested to review their data and check its accuracy in relation to school ratings.
- The attendance, dropout, and graduation rates are subject to a quality check system through the Accountability Data System (ADS) where data are transmitted and checked every 40 days, on December 1, and the end of each school year.
- The NMPED's Internal Auditing Unit randomly verifies dropout data as part of their regular, announced, random, comprehensive district audits. This group will audit attendance and graduation rates beginning with school year 2003-2004.

Upon notification of their identification as a school in need of improvement; schools may request a data review if they believe that the data used in calculating their performance is inaccurate or has been calculated incorrectly. The school has ten working days to request a data review and the NMPED has 30 days to review the data. Final determination will not occur until the completion of this review; if the school is proven correct its designation will be changed accordingly.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
9.2 What is the State's process for making valid AYP determinations?	State has established a process for public schools and LEAs to appeal an accountability decision.	State does not have a system for handling appeals of accountability decisions.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The assessments meet nationally recognized standards for technical quality. These data are evaluated and validated using an auditing system described below in addition to the statistical measures provided by the testing company:

1. NMPED in cooperation with the test publishers will provide pre-coded labels with unique individual student identification numbers and other demographic data.
2. Schools and districts are to review their data and check its accuracy in relation to school demographics before assessments are returned to the publisher for scoring.
3. NMPED will provide schools and districts a mechanism to review demographic data while assessments are being scored to insure that the data matches data in the Accountability Data System.
4. The attendance and graduation rates are subject to a quality check system through the Accountability Data System (ADS) where data are transmitted and checked every 40 days, on December 1, and the end of each school year.
5. Schools and districts are required to verify the accuracy of data in relation to school ratings prior to final certification.
6. New Mexico will use a group size of 25 and a 99% confidence interval in performing AYP calculations. New Mexico will only apply the confidence interval to AYP performance calculations and not to safe harbor calculations.

Upon notification of their identification as a school in need of improvement; schools may request a data review if they believe that the data used in calculating their performance is inaccurate or has been calculated incorrectly. The school has ten working days to request a data review and the NMPED has 30 days to review the data. Final determination will not occur until the completion of this review; if the school is proven correct its designation will be changed accordingly.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessments?</p>	<p>State has a plan to maintain continuity in AYP decisions necessary for validity through planned assessment changes, and other changes necessary to comply fully with NCLB.</p> <p>State has a plan for including new public schools in the State Accountability System.</p> <p>State has a plan for periodically reviewing its State Accountability System, so that unforeseen changes can be quickly addressed.</p>	<p>State's transition plan interrupts annual determination of AYP.</p> <p>State does not have a plan for handling changes: e.g., to its assessment system, or the addition of new public schools.</p>
<p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

New Mexico will analyze its assessments and work with the psychometricians of testing companies to insure comparability and compatibility of assessments and expectations as test are refined and modified. New Mexico applied this process as it transitioned from assessments at grades 4 and 8 to assessments in grades 3 through 9. Changing the 11th grade assessment from fall to spring required that New Mexico work with the publisher to accommodate the required changes.

New public schools will include students that were enrolled from the opening of the school until the administration of the assessments.

PRINCIPLE 10. In order for a public school or LEA to make AYP, the State ensures that it assessed at least 95% of the students enrolled in each subgroup.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
10.1 What is the State's method for calculating participation rates in the State assessments for use in AYP determinations?	<p>State has a procedure to determine the number of absent or untested students (by subgroup and aggregate).</p> <p>State has a procedure to determine the denominator (total enrollment) for the 95% calculation (by subgroup and aggregate).</p> <p>Public schools and LEAs are held accountable for reaching the 95% assessed goal.</p>	<p>The state does not have a procedure for determining the rate of students participating in statewide assessments.</p> <p>Public schools and LEAs are not held accountable for testing at least 95% of their students.</p>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

For school year 2002-2003 and 2003-2004, the numerator for the participation rate was the number of students who attempted the assessment (aggregate and sub-group). The denominator was the enrollment reported to the Accountability Data System on the reporting date closest to the assessment date (aggregate and sub-group). The number of absent or untested students is assumed to be the difference between the numerator and the denominator. The validity of this assumption was verified by end of the year reports submitted by districts on the reasons for nonparticipation of students in the assessments.

Beginning in the 2004-2005 NMPED will implement a new procedure to determine participation rates in the state assessments for use in AYP determinations. Schools will be provided with a sufficient number of test booklets for every student enrolled in the school in the grades tested at the time of testing. All test booklets will be returned to the publisher with appropriate demographic data completed. Completed test will be scored, and the reason for not testing or completing the test tests will record on test booklets that are not completed. The numerator will be the scored tests. The denominator will be the total number of test booklets. Only a limited number of reasons, such as withdrawn from school prior to the completion of testing, will merit of a student being excluded from the denominator. This will provide a more accurate participation rate than the method used in past years. Comparisons to the Accountability Data System on the 120th day report (the closest to the testing window) will provide a validity check to verify that schools have returned test booklets for all enrolled students.

Public schools and school districts are held accountable for reaching the 95% assessed goal, in both aggregated and sub-groups. Beginning in with the results of the 2004-2005 assessments New Mexico will begin using USDOE guidance allowing the averaging of participation rates across years.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?	State has a policy that implements the regulation regarding the use of 95% allowance when the group is statistically significant according to State rules.	State does not have a procedure for making this determination.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

Participation will be calculated for any district, school, or subgroup consisting of 40 or more students.