

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

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{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 02/28/17
Original **Amendment** **Bill No:** SB62sfl/sub
Correction **Substitute**

Sponsor: Senate Floor Substitute **Agency Code:** 924
Short Title: SCHOOL RATING GRADING POINT SYSTEM **Person Writing:** Christopher N. Ruskowski
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB62 assigns points to factors for rating public schools and provides for a work group to study school grading issues. The substitute alters points from the original, adds science as a subject area to be included, and changes the tasks for the work group.

FISCAL IMPLICATIONS

These elements of the working group proposed are not explicit in the bill and could possibly have fiscal implications:

- Frequency and location of meetings
- Life span of the work group
- Director of the work group
- Funding for travel or stipends
- Administrative support

Costs cannot be determined without more information.

SIGNIFICANT ISSUES

Alteration in School Grading Components

The point differences are shown in the tables below, with weighting for the current model (Current) and new weighting scheme (Substitute). The bill’s original weighting scheme is retained for reference (Proposed):

Elementary and Middle Schools (EL Model)	Current*	Proposed	Substitute
Overall Grade	100	100	100
Current Standing/Proficiency (Student academic proficiency)	40	5	10
Student Growth (represented as “School Growth”)	10	10	10
25 th Percentile (Q1) Growth	20	15	15
50 th Percentile (Q2 & Q3) Growth	20	10	10
75 th Percentile (Q4) Growth		5	5
English Language Proficiency (ELP) - Progress	0	5	10
Surveys	5	10	10
Improvements in Truancy, Chronic Absenteeism	(2,0)	20	15
Parent Engagement	(2)	10	10
Extended Learning Time, Extracurricular, Cocurricular activities	(1)	10	5
Student Attendance	5	0	0
(awarded through bonus points, capped at 5)			

* Codified in NMAC 6.19.8.9

High Schools (HS Model)	Current*	Proposed	Substitute
Overall Grade	100	100	100
Proficiency	30	5	10
Student Growth (represented as “School Growth”)	10	7	7
25 th Percentile (Q1) Growth	10	10	13
50 th Percentile (Q2 & Q3) Growth	10	5	10
75 th Percentile (Q4) Growth		5	5
English Language Proficiency (ELP)- Progress	0	5	5
Surveys	5	10	5
Improvements in Truancy, Chronic Absenteeism	(2,0)	10	10
Parent Engagement	(2)	10	5
Extended Learning Time, Extracurricular, Cocurricular activities	(1)	10	5
Attendance	3	0	0
Graduation	17	13	15
College and Career Readiness	15	10	10
(awarded through bonus points, capped at 5)			

* Codified in NMAC 6.19.8.9

The school grading models (HS and EL) have components that measure general concepts of 1) status (i.e., grade level academic proficiency), 2) student growth, and 3) non-academic indicators. In the current rating configuration, status and growth are more heavily weighted, especially in elementary grades where building the academic foundation for learning is paramount. The proposed weighting scheme in SB 62 Substitute shifts the emphasis to devalue student academic proficiency and to elevate non-academic indicators. With the exception of absenteeism and English Language Proficiency (ELP) progress, the additional proposed indicators are qualitative in nature, which hampers objectivity and precision.

The proposed lowering of student academic proficiency in reading and math is particularly problematic—it could result in schools earning the highest marks (A/B) with very few students reading and doing math on grade-level. Many states currently score/plan to score academic proficiency (in elementary schools, for example) at higher levels, as has been consistent with educational policy over the past decade. Current examples include 70% (LA), 40% (DC), and 25% (NV). If New Mexico were to lower the weight of student academic proficiency to the level proposed here, the net result could be misleading information to parents, families, and educators.

The addition of ELP progress into school accountability is mandated by the Every Student Succeeds Act (ESSA) and will necessitate state action. New Mexico will propose a path forward on this indicator as part of its approach under ESSA. Thus, some of this work is premature and/or duplicative with the state’s efforts to engage stakeholders as part of ESSA plan development, which has included several technical working groups on School Grades.

Updating Language to Meet Current Standards

The bill makes technical corrections intended to bring statutory wording into compliance with current practice:

- Changing references from “school” to “public school” would clarify that non-PED schools such as private, Bureau of Indian Education, or home schools are not currently covered by the A-F School Grading system.
- Striking reference to No Child Left Behind.
- Disaggregation for school grades on the school report card is revised to include new subgroups (students who are homeless, in foster care, or have a parent in the military).

Reporting regarding student progress of these subgroups is federally required. As these are small groups with sensitive information, reporting is sensitive, which limits aggregations to a reasonable size and better protects student confidentiality. This would be in keeping with current practice for the subgroups of *Migrant* and *Recently Arrived*.

- Corrections that should be included but were not (page 4, line 20) refer to current assessments. Annual student assessments are administered in grades KN through 11.

Establishing a School Grading Work Group

Members would be consist of:

- Teachers (2)
- Union representatives (2)
- Principals (2)
- Charter school representatives (2)
- Superintendents (2)
- School board members (2)
- Parents (2)
- Tribal leaders (2)
- Community organization (2)
- LESC chair and vice chair
- PED (2)

The mission of the group includes advising the following:

- Turnaround models for low performing schools
- Best practices from low-performing schools in high-poverty areas
- Innovative school programs
- Best practices that focus on individual indicators
- Best practices that increase English learner (EL) performance
- Other items as determined by the group

The work group would report to the LESC in December 2018.

PED notes that such a work group is redundant and that the desired feedback to legislative groups has occurred, is already occurring, and will continue to occur. Furthermore, legislation is not required for such feedback to be provided and such technical expertise to be sought. In fact, PED recently conducted a statewide community tour and held several technical working groups to gather input on topics such as school accountability:

<http://ped.state.nm.us/ped/ESSA.html>.

The PED has provided expert testimony before the LESC and LFC on both school accountability models as needed, particularly during their developmental phases. The accountability system is now fully developed and authorized by the U.S. Department of Education.

The aims to the workgroup are currently being delivered by specialized bureaus within PED that are staffed by educational professional with expertise in these areas. Moreover, their work is supervised and monitored by the U.S. Department of Education for quality and content, and by many state-level stakeholder groups that collaborate with the PED identifying and pursuing

strategies and research-based best practices.

Currently, the following advisory groups work directly with the PED staff:

- The Hispanic Education Advisory Council
- The Indian Education Advisory Council
- The State Bilingual Advisory Council
- The Literacy Advisory Council
- The State Teacher Advisory
- The Family Cabinet
- The Assessment & Accountability Advisory Council

There does not appear to be either a necessity or an advantage in forming an additional advisory group. Moreover, the costs for such an advisory group are not appropriated.

The timing of the school grading changes would disrupt meaningful comparisons between years. The current school grading system has been in place since 2012. In the first five years of school grading, the PED made a concerted effort to reach out to stakeholders about the accountability model, through such mechanisms as document review, webinars, advisory committees, and on-site presentations around the state. Additionally, the original A-F school grading model was developed with the input from the stakeholders below:

- U.S. Department of Education (peer review and approval for NCLB flexibility waiver in 2012, 2013, and 2015)
- Nine Superintendent's Advisory Work group meetings on the development of the A-F regulation and model
- Two hearings on the A-F final regulation (only 1 is required)
- Eight regional School Board Association meetings to present the A-F model, answer questions, and receive feedback
- Training to more than 2,000 school leaders and district administrators on how A-F works and supports for D and F schools, updated annually
- Development and convening of a Technical Working Group on the A-F school grading system (see TWG below)
- Coalition for Excellence in Science and Math Education (advocacy group)
- Assessment and Accountability Advisory Council, members include superintendents and other school administrators from across the state, ongoing monthly

More recently, as noted herein, the PED has solicited extensive feedback from stakeholders around the state on the proposed ESSA plan. There does not appear to be a necessity in forming an additional advisory group. The school grading model is robust in meeting the requirements and expectations of ESSA, accounting for both current and future federal mandates while still maintaining substantial degrees of discretion at the state-level.

PERFORMANCE IMPLICATIONS

The PED has successfully implemented the school accountability/grading system that is required and approved under ESEA federal and state accountability and in accordance with state statute. Intensive effort has gone into aligning the state's systems, disseminating the calculations and

principles of the models to constituents and stakeholders, and gaining approval from the federal government, which has translated into meaningful accountability and targeted interventions that have led to unprecedented student success. To alter the model at this time would risk nullifying those efforts and creating instability and discontinuity in the field.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

The use of language “middle 50th percentile” is confusing and was likely meant to represent the middle 50% of students (from 25th percentile to the 75th percentile). This analysis interpreted these terms as such but they should be clarified in any final language. Similarly “highest 25th percentile” was interpreted to mean the highest performing quartile (25%) of students.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Stability and continuity for the state’s schools, educators, parents, families, and taxpayers. School Grading has been in state statute and has been federally approved for most of the decade, and any revisions/alterations to the system will be as a result of the Every Student Succeeds Act, which was signed into law at the federal level in December 2015.

AMENDMENTS