**~~PART 1   
PUBLIC SCHOOL ACCOUNTABILITY: GENERAL PROVISIONS~~**

**~~6.19.1.1 ISSUING AGENCY:~~** ~~Public Education Department~~

~~[~~[~~6.19.1.1~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.19.1.1'%5d$jumplink_md=target-id=0-0-0-37117) ~~NMAC - N, 03-29-02; A, 08-31-04]~~

**~~6.19.1.2 SCOPE:~~** ~~All public schools, including charter schools.~~

~~[~~[~~6.19.1.2~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.19.1.2'%5d$jumplink_md=target-id=0-0-0-37119) ~~NMAC - N, 03-29-02]~~

**~~6.19.1.3 STATUTORY AUTHORITY:~~** ~~Subsections A and B of Section~~ [~~22-2-1~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=$jumplink_q=%5bfield%20folio-destination-name:'22-2-1'%5d$jumplink_md=target-id=0-0-0-0) ~~NMSA 1978, Section~~ [~~22-2-2~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=$jumplink_q=%5bfield%20folio-destination-name:'22-2-2'%5d$jumplink_md=target-id=0-0-0-0) ~~NMSA 1978, and Section~~ [~~22-2-14~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=$jumplink_q=%5bfield%20folio-destination-name:'22-2-14'%5d$jumplink_md=target-id=0-0-0-0) ~~NMSA 1978.~~

~~[~~[~~6.19.1.3~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.19.1.3'%5d$jumplink_md=target-id=0-0-0-37121) ~~NMAC - N, 03-29-02; A, 08-31-04]~~

**~~6.19.1.4 DURATION:~~** ~~Permanent~~

~~[~~[~~6.19.1.4~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.19.1.4'%5d$jumplink_md=target-id=0-0-0-37123) ~~NMAC - N, 03-29-02]~~

**~~6.19.1.5 EFFECTIVE DATE:~~** ~~March 29, 2002, unless a later date is cited at the end of a section.~~

~~[~~[~~6.19.1.5~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.19.1.5'%5d$jumplink_md=target-id=0-0-0-37125) ~~NMAC - N, 03-29-02]~~

**~~6.19.1.6 OBJECTIVE:~~** ~~The rule establishes the definitions, school ratings, indicators, and measurements applicable to public school accountability.~~

~~[~~[~~6.19.1.6~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.19.1.6'%5d$jumplink_md=target-id=0-0-0-37127) ~~NMAC - N, 03-29-02]~~

**~~6.19.1.7 DEFINITIONS:~~**

~~A.          “Accountability rating system” means the categories of performance ratings and the methodology for determining these categories established by the public education department ("department"):~~

~~(1)  “Exemplary” means a district/school rating on the five statewide indicators demonstrating that the district/school has at least 50% of its data points in exemplary and 0% of its data points in probationary.~~

~~(2)  “Exceeds standards” means a district/school rating on the five statewide indicators demonstrating that the school/district has at least 50% of its data points in exceeds standards or higher, allowing the greater of up to 5% or one (1) probationary data point.~~

~~(3)  “Meets standards” means a district/school rating on the five statewide indicators demonstrating that the district/school has more than 50% of all data points in meets standards or higher.~~

~~(4)  “Probationary” means a district/school rating on the five statewide indicators demonstrating that the district/school has 50% or more of all data points in probationary.~~

~~B.          “Adequate yearly progress” (“AYP”) means the percent of students that must be proficient from year to year within a subject area, grade, whole group and subgroup as specified by state defined annual measurable objectives.~~

~~(1)  AYP is based primarily on academic assessments.  All whole groups and subgroups will have the same starting points and are required to make the same amount of progress each year.  In the norm referenced accountability system there are five (5) academic assessments (reading, language arts, mathematics, science, and social studies) in the English language for which data points are assigned.  There are three (3) academic assessments (reading, language arts, and mathematics) in the Spanish language for which status accountability indicators or data points are assigned. Starting in 2004-2005, AYP will be based on the criterion referenced test in grades 3 through 9 and 11. Criterion referenced tests in either language will contain reading/language arts, mathematics, and science assessments.~~

~~(2)  As it applies to meeting annual measurable objectives on the criterion referenced test, AYP will apply to grades 4, 8, and 11 in school year 2003-2004 and to grades three through 9 and 11 in school year 2004-2005 and every year thereafter.  If a school fails to meet the specified amount of AYP for two (2) consecutive years in the same grade, same subject in any group, or subgroups, that school will be placed in the school improvement cycle.~~

~~C.          “Annual measurable objectives” (“AMO”) means the minimum annual percentage required for all students in the same grade, same subject, and any group to be proficient and be considered to have made AYP.  Also, intermediate objectives are expected in consecutive years.  In New Mexico, annual measurable objectives and intermediate objectives will be the same such that each school, grade, subject area, group and subgroup will have the same required percent proficient from year to year as determined by the starting point based on baseline percentages of proficient.~~

~~D.          “Attendance” means students who are in class or in a school-approved activity.  If a student is in attendance up to one half the total instructional time during a school day, the student will be counted as having attended one-half of a school day.  If the student attends school for more than one-half of the total instructional time, the student will be counted as having attended for the full day.~~

~~E.          “Cohort group” means a group of students in one grade in one school who participated in statewide testing one year and the same exact group that participated in statewide testing in the following year(s).~~

~~F.          “Corrective action” means action taken by or at the direction of the department intended to improve a corrective action school’s rating.~~

~~G.          “Corrective action school” means a school improvement school that has failed to attain a performance rating of meets standards or higher for two consecutive years or fails to meet the criteria the department has for an additional year of school improvement.~~

~~H.          “Criterion referenced test” (“CRT”) means a standardized test whose results are aligned with the content standards with benchmarks set forth in~~ [~~6.30.2~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.30.2'%5d$jumplink_md=target-id=0-0-0-37151) ~~NMAC (Standards for Excellence).  This assessment will be given in grades 4, 8, and 11 in school year 2003-2004 and in grades 3 through 9 and 11 in school year 2004-2005 and thereafter.~~

~~I.          “Disaggregate” means the division of a whole group into five subgroups.  The No Child Left Behind Act (NCLB) and Section~~ [~~22-2C-5~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=$jumplink_q=%5bfield%20folio-destination-name:'22-2c-5'%5d$jumplink_md=target-id=0-0-0-0)~~, NMSA 1978 require student results by ethnic groups (Caucasian/White, not of Hispanic origin; Black, not of Hispanic origin; Hispanic; Asian/Pacific Islander; American Indian/Alaskan native) Economically Disadvantaged; Students with Disabilities; and English Language Learners (ELL.)~~

~~J.          “District” means a public school district or a charter school district.~~

~~K.          “Dropout” means an individual who:~~

~~(1)  was enrolled in school at some time during the previous school year;~~

~~(2)  was not enrolled at the beginning of the current year;~~

~~(3)  has not graduated from high school or completed a state- or district-approved educational program; and~~

~~(4)  does not meet any of the following two exclusionary conditions:~~

~~(a)  transfers to another public school district, private school, or state- or district-approved education program, or~~

~~(b)  is temporarily absent due to suspension or illness, or death.~~

~~L.          “Educational standards commission” means that commission created in~~ [~~6.2.2~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.2.2'%5d$jumplink_md=target-id=0-0-0-3039) ~~NMAC whose purpose shall be to advise the department on issues relating to educational standards and accountability for New Mexico public schools.~~

~~M.          “Graduation rate” means the percentage of the students who graduated from a high school divided by the number of students who were enrolled in the schools 40th day of the same year.  This calculation will be used until four-year cohort data can be collected. The 9th grade students from school year 2003-2004 will be the first cohorts, graduating in school year 2006-2007.~~

~~N.          “Intervention” means the process established by the department to assist a public school that is rated probationary.~~

~~O.          “New school” means a school not established for a sufficient time to have gathered two years of results on the five statewide indicators.~~

~~P.          “95% participation rate” means all whole groups and subgroups are expected to test at least 95% of all students.  To determine the 95% participation rate, the total students enrolled on the accountability data system transmission date closest to the assessment window will be used as the denominator.  For the New Mexico high school competency examination and the New Mexico high school criterion referenced test, the 80th day will be used for whole groups and subgroups.  For the New Mexico achievement assessment program, the 120th day will be used for whole groups and subgroups.~~

~~Q.          “Norm referenced test” (“NRT”) means a standardized test whose results are based on a national group of like students.  This assessment is given in grades where no criterion referenced test is available until a criterion referenced test is available.~~

~~R.          “Rating cycle” means the annual rating that triggers performance warned action and culminates in corrective action or removes a school from intervention at any point in time.~~

~~S.          “Rolling averages” means that all statewide test scores for the most current three consecutive school years in a subject area in a small school regardless of what grades they represent will be used to attain the median percentile rank for the NRT or the median scale score for the New Mexico high school competency examination.  The median derived from this calculation will be used to determine the rating of each data point.~~

~~T.          “Safe harbor” means a process that will be applied to a school in any year to determine if AYP has 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.~~

~~U.          “School” means any public school, including a charter school.~~

~~V.          “Standard deviation” means a quantitative measure that indicates how far away numbers on a list are from their average.~~

~~W.          “Statewide indicators” are student achievement, attendance, dropout rate for middle and high schools, parent and community involvement, and school safety.~~

~~X.          “Typical growth” means the typical increase in scale score points from one year to the next as established by the test publisher.~~

~~Y.          “Whole groups” means population of students at a school who were assessed and “subgroups” means the whole group divided into the required subgroups.  For the norm referenced test, whole group means all students at a school that took the norm referenced test.  For the criterion referenced test, whole group means the specific grade level of all students that took the criterion referenced test or the test area.~~

~~[~~[~~6.19.1.7~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.19.1.7'%5d$jumplink_md=target-id=0-0-0-37129) ~~NMAC - N, 03-29-02; A, 08-31-04]~~

**~~6.19.1.8 INDICATORS AND MEASUREMENTS:~~**

~~The department shall annually measure public schools on the five statewide indicators (student achievement, attendance, dropout rate for middle and high schools, school safety, parent and community involvement) and high school graduation rate. All scores, rates, and other measures used in the accountability rating system shall be verified by the department. Groups of students are denoted by grade levels and subpopulations of grade levels. Assessment data shall be considered for accountability ratings only when a group represents 10 or more students for the norm referenced test and 25 for the criterion referenced test. Each school generates data points which have been identified as either exemplary, exceeds standards, meets standards, or probationary.~~

~~A.          The student achievement indicator will utilize results from the state-mandated norm referenced achievement test (s) (“NRT”) in Spanish or English.  Students will be tested using the criterion referenced tests in Spanish or English or other assessments, when appropriate, as defined by federal guidelines.  Likewise, all exemptions to statewide testing requirements and all accommodations provided in statewide testing must be in compliance with federal guidelines.~~

~~(1)  The NRT will be represented at a rate proportionate to the number of students taking each of the subtests in English or Spanish.  Each subtest - reading, language arts, mathematics, science, and social studies - will provide one data point per whole group or subgroup at the school for a total of five data points per group.  These data points shall be referred to as “status data points.”~~

~~(a)  The test results of the students who have been in attendance on or prior to the 40-day attendance count shall be used to determine the rating of each status data point.~~

~~(b)  A status data point is rated exemplary if the median percentile rank is above the 70th percentile, exceeds standards if the percentile rank is above the 60th percentile to the 70th percentile, meets standards if it is at the 40th through the 60th percentile, and probationary if it is below the 40th percentile.~~

~~(2)  The results of the NRT shall also be utilized to determine the growth in student performance.~~

~~(a)  Growth is determined by the number of scale score points a cohort group within the same school achieves from one year to the next for whole group and subgroups.~~

~~(b)  Growth shall be measured for one, two and three years when available in a school.~~

~~(c)  “Typical growth” shall be utilized to determine if a cohort group has achieved the growth expectations set by the department.  Each grade and each subject has varying scale score points to achieve in order to meet “typical growth.”~~

~~(d)  When all of the growth data are configured, the number of data points for growth shall be weighted to equal the status data points.  The number of students contributing to the growth data shall contribute proportionately to the growth data.~~

~~(e)  Students who take the assessments with accommodations shall be considered as a proportion of the total number of students subgroups.~~

~~(f)  Each growth data point shall be determined to be either high, middle, or low range, prior to measuring the growth, by the median percentile.  If the median percentile is below the 40th percentile, the data point is considered low range.  If it is at the 40th percentile through the 60th percentile, the data point is considered middle range.  If the data point is above the 60th percentile, the data point is considered high range.~~

~~(g)  Utilizing the standard determined by the test publisher to represent “typical growth” scales, a low range data point must increase:~~

~~(i)  by 1.75 or higher times typical growth to achieve exemplary;~~

~~(ii)  by 1.5 to 1.74 times typical growth to achieve exceeds standards;~~

~~(iii)  by 1.25 to 1.4 times typical growth to achieve meets standards; and,~~

~~(iv)  below 1.25 times typical growth to achieve probationary.~~

~~(h)  Utilizing the same standard determined by the test publisher to represent “typical growth” scales, a middle range data point must achieve:~~

~~(i)  1.5 or higher times typical growth to achieve exemplary:~~

~~(ii)  1.25 to 1.4 times typical growth to achieve exceeds standards;~~

~~(iii)  1.0 to 1.24 times typical growth to achieve meets standards; and,~~

~~(iv)  less than typical growth to achieve probationary.~~

~~(i)  Utilizing the same standard determined by the test publisher to represent “typical growth” scales, a high range data point must achieve:~~

~~(i)  1.25 or higher times typical growth to achieve exemplary;~~

~~(ii)  1.0 to 1.24 times typical growth to achieve exceeds standards,~~

~~(iii)  less than typical growth to achieve meets standards;~~

~~(iv)  and show a decline for probationary.~~

~~(3)  Achievement results for small schools shall be rated by utilizing the concept of “rolling averages.”  For purposes of rating schools, a school is considered to be a small school if it has any one grade level with fewer than a total of 10 students enrolled.  Once identified as a small school, a school will continue to be rated as a small school for three years before considering whether to rate it as a larger school.  These data are configured by using all the students in attendance at the school that have statewide test results.  All the scores for all the students for the past three years are considered as if they represented one class.  The median percentile is then determined and a status data point assigned based on this median.  There are no growth data points for small schools.~~

~~(4)  In addition to the results from the required testing described in Subsection A of~~ [~~6.19.1.8~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.19.1.8'%5d$jumplink_md=target-id=0-0-0-37131) ~~NMAC, the New Mexico high school competency examination shall be used to provide achievement data points for schools that have 10th grade in attendance.  There are five subtests that shall be used - reading, language arts, mathematics, science, and social studies.  Each subtest shall generate a data point by using results of tenth grade first time test-takers by whole group and subgroup as follows:~~

~~(a)  A data point shall be exemplary if it has an average scale score value of 205 or higher.~~

~~(b)  A data point shall be exceeds standards if the average scale score is 180 to 204.9.~~

~~(c)  A data point shall be meets  standards if the average scale score is 175 to 179.9.~~

~~(d)  A data point shall be probationary if the average scale score is below 175.~~

~~B.          The attendance indicator utilizes the definition of a full day of attendance as established in the accountability data system (“ADS”) and data will be collected through the ADS mechanism to establish an attendance rate for each public school.~~

~~(1)  Attendance is assigned one data point per school.~~

~~(2)  The department defines:~~

~~(a)  exemplary attendance as 94% or higher;~~

~~(b)  exceeds standards attendance as 93% to 93.9%;~~

~~(c)  meets standards attendance as 92% to 92.9%; and,~~

~~(d)  probationary attendance as below 92%.~~

~~C.          The dropout indicator utilizes the National Center for Education Statistics (“NCES”) definition and includes grades 7 through 12.~~

~~(1)  Dropout rate is assigned one data point per school.~~

~~(2)  The department delineates dropout data for grade levels 9 - 12 as:~~

~~(a)  exemplary when it is 1.0% or less;~~

~~(b)  exceeds standards when it is 1.1 % to 4.0%;~~

~~(c)  meets standards when it is 4.1% to 7.0%; and,~~

~~(d)  probationary when it is higher than 7.0%.~~

~~(3)  For grades seven and eight, the dropout data is:~~

~~(a)  exemplary when it is less than 0.1%;~~

~~(b)  exceeds standards when it is 0.1% to 1.0%;~~

~~(c)  meets standards when it is 1.1% to 2.5%; and,~~

~~(d)  probationary when it is higher than 2.5%.~~

~~(4)  When a school has a rate for 7th and/or 8th grade, and also has a rate for grade 9 or higher, the data point rating will be determined by an average of the two rates.~~

~~D.          The parent and community involvement indicator will utilize the school’s department-approved parent and community involvement plan and the six national standards for parent-community involvement.~~

~~E.          The safe school indicator will utilize the school’s department-approved safe school plan.~~

~~[~~[~~6.19.1.8~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.19.1.8'%5d$jumplink_md=target-id=0-0-0-37131) ~~NMAC - N, 03-29-02; A, 12-30-02; A, 08-31-04]~~

**~~6.19.1.9 SCHOOL RATINGS:~~**

~~A.          A school’s rating will determine when intervention is appropriate.~~

~~B.          A school’s rating is determined by the percentage of data points that are rated as exemplary, exceeds standards, meets standards, and probationary.~~

~~C.          The ratings shall be publicized each year and provided by the department to districts and to schools.~~

~~D.          New schools are not rated.~~

~~E.          With regard to the accountability system utilizing the norm referenced or criterion referenced assessments or any combination thereof, a school that receives an overall rating of probationary for a first or second time and will enter either the performance warned or the first year of school improvement categories may appeal the rating to the educational standards commission.  The appeal must be made to the department in writing within twenty days of the school’s receipt of official notice of the school rating. If the department determines that additional data substantiates the appeal, a recommendation that the school should be rated meets standards will be forwarded to the secretary.  The secretary will have final approval of the possible change of a school’s rating from probationary to meets standards.~~

~~[~~[~~6.19.1.9~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.19.1.9'%5d$jumplink_md=target-id=0-0-0-37133) ~~NMAC - N, 03-29-02; A, 12-30-02; A, 08-31-04]~~

**~~6.19.1.10 SEVERABILITY:~~**

~~If any part or application of this rule is held invalid, the remainder or its application to other situations shall not be affected.~~

~~[~~[~~6.19.1.10~~](http://desktop.nmonesource.com/nxt/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=nmac$jumplink_q=%5bfield%20folio-destination-name:'6.19.1.10'%5d$jumplink_md=target-id=0-0-0-37135) ~~NMAC - N, 03-29-02]~~

**~~HISTORY OF 6.19.1 NMAC: [Reserved]~~**