

~~TITLE 6 — PRIMARY AND SECONDARY EDUCATION
CHAPTER 19 — PUBLIC SCHOOL ACCOUNTABILITY
PART 8 — GRADING OF PUBLIC SCHOOLS~~

~~6.19.8.1 — ISSUING AGENCY: Public Education Department
[6.19.8.1 NMAC — N, 12/15/2011]~~

~~6.19.8.2 — SCOPE: This rule shall apply to all public schools in New Mexico.
[6.19.8.2 NMAC — N, 12/15/2011]~~

~~6.19.8.3 — STATUTORY AUTHORITY: Sections 22-2-1, 22-2-2, and 22-2E-1 to 22-2E-4, being the A-B-C-D-F Schools Rating Act.
[6.19.8.3 NMAC — N, 12/15/2011]~~

~~6.19.8.4 — DURATION: Permanent.
[6.19.8.4 NMAC — N, 12/15/2011]~~

~~6.19.8.5 — EFFECTIVE DATE: December 15, 2011, unless a later date is cited at the end of a section.
[6.19.8.5 NMAC — N, 12/15/2011]~~

~~6.19.8.6 — OBJECTIVE: The purpose of this rule is to implement the A-B-C-D-F Schools Rating Act and to establish a rating system for grading public schools in a way that the ratings are meaningful to parents, school personnel and the interested community. Additionally, this rule establishes criteria for rating public schools that includes charter schools and provides options for students in a failing school.
[6.19.8.6 NMAC — N, 12/15/2011; A, 5/31/2012]~~

~~6.19.8.7 — DEFINITIONS:~~

~~— A. — “ACT” means American college testing and is a standardized test offered by ACT, inc. for high school achievement and college admissions in the United States.~~

~~— B. — “Accuplacer” means a standardized test offered by the college board that provides information about academic skills in math, English and reading. The assessment is used for community college admissions and for placement in core college courses.~~

~~— C. — “AP” means advanced placement which is a curriculum based program sponsored by the college board that offers standardized courses to high school students that are generally recognized to be equivalent to undergraduate courses in college and for which participating colleges may grant college credit to students who obtained high enough scores on the exams to qualify.~~

~~— D. — “Career readiness” means organized programs offering a sequence of courses, including technical education and applied technology education, which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring an industry recognized credential, certificate or degree which can be applied towards their graduation from high school. To be considered successfully career ready, students must also graduate with a New Mexico diploma of excellence.~~

~~— E. — “Cohort graduation rate” means the percentage of students who graduate high school in four years with a New Mexico diploma of excellence. The four year cohort consists of all first time ninth graders in the first year, joined by incoming tenth graders in the second year, eleventh graders in the third year, and twelfth graders in the fourth year. The members of the five year cohort shall be followed by the PED for one additional year to form the five year cohort graduation rate, and two additional years to form the six year graduation rate. Students are excused from cohort membership if they transfer out, emigrate to another country, or die during that same period.~~

~~— F. — “College readiness” means the readiness of New Mexico high school students for success in higher education based on their dual credit, ACT, PSAT, SAT, PLAN, accuplacer, international baccalaureate or IB, AP test scores, or other measurements approved by the PED.~~

~~— G. — “Department” means the New Mexico public education department and is identified by the acronym, “PED”.~~

~~— H. — “Dual credit” means a program that allows high school students to enroll in college-level courses offered by a postsecondary institution that may be academic or career technical but not remedial or developmental, and simultaneously to earn credit toward high school graduation and a postsecondary degree or certificate.~~

PROPOSED STRIKETHROUGH

~~I. “International baccalaureate” or “IB” means an educational foundation that requires the use of and monitors a standardized curriculum leading to internationally recognized certification.~~

~~J. “Opportunity to learn survey” means a brief survey that asks students about their teacher’s predominant instructional practices in the classroom.~~

~~K. “Performance level” means a level of performance as indicated by scale scores on the New Mexico standards based assessment.~~

~~L. “PLAN” means a 10th grade assessment published by ACT that is designed to guide a student’s review of their progress towards college and career readiness.~~

~~M. “Proficiency in reading and mathematics” means a student’s score of proficient or advanced on the New Mexico standards based assessments.~~

~~N. “PSAT” or “PSAT/NMSQT” means the preliminary SAT/national merit scholarship qualifying test which is a standardized test offered by the college board for both preliminary and primary selection to determine a student’s eligibility and qualification for the national merit scholarship program.~~

~~O. “RtI framework” means a multi-tiered intervention model that uses a set of increasingly intensive academic or behavioral supports, matched to student need, as a framework for making educational programming and eligibility decisions. The model includes primary, secondary and tertiary levels of intervention based on progress monitoring to determine the student’s response or lack of response to the instruction/intervention.~~

~~P. “SAT” means a standardized test offered by the college board for college admissions in the United States.~~

~~Q. “School growth” means growth of a school performance over a three year period, as calculated by value added modeling (VAM).~~

~~R. “School options” means a right to transfer to any public school not rated an F in the state or have children continue their schooling through distance learning offered through the statewide or a local cyber academy.~~

~~S. “Secretary” means the secretary of public education of the PED.~~

~~T. “Standards based assessments” means the collection of instruments that assess student academic performance and the students’ progress toward meeting the New Mexico content standards with benchmarks and performance standards, and are administered annually in grades three, four, five, six, seven, eight, 10 and 11.~~

~~U. “Status” means a single year measurement of a school.~~

~~V. “Student growth” means learning a year’s worth of knowledge in one year’s time, which is demonstrated by a student’s performance on New Mexico standards based assessments that shows the student:~~

- ~~(1) moving from one performance level to a higher performance level; or~~
- ~~(2) maintaining a proficient or advanced proficient performance level; or~~
- ~~(3) remaining in beginning step or nearing proficient performance level but improving a number of scale score points.~~

~~W. “Supplemental accountability model” or “SAM” refers to any schools that qualify for a modified accountability calculation. To be eligible as a SAM school, the school must serve a student population where ten percent or more of the students are 19 years of age or older, or where twenty percent or more of the non-gifted students qualify for special educational services. Additionally the school, when established, must have the primary mission to address the needs of students who are at risk of educational failure as indicated by poor grades, truancy, disruptive behavior, eligibility for special education services, or other factors associated with temporary or permanent withdrawal from school.~~

~~X. “VAM or “value added model” means estimating conditional school growth and conditional status, where “conditional” refers to taking student background characteristics into account. [6.19.8.7 NMAC – N, 12/15/2011; A, 5/31/2012]~~

6.19.8.8 REQUIREMENTS:

~~A. The department shall grade all public schools annually by assigning a letter grade of either A, B, C, D or F to each school. Assessment results of all students, including students with a disability and students who are English language learners, shall be considered in assigning schools a letter grade.~~

~~B. Elementary and middle schools shall be graded based on:~~

- ~~(1) student performance, including achievement on the New Mexico standards based assessments;~~
- ~~(2) student growth in achievement based on the New Mexico standards based assessment;~~
- ~~(3) student growth of the lowest twenty fifth percentile of students in the public school based on the New Mexico standards based assessments;~~
- ~~(4) school growth based on the New Mexico standards based assessments;~~

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~~(5) school attendance; and~~
~~(6) the results of an opportunity to learn survey.~~
~~C. High schools shall be graded based on:~~
~~(1) student performance, including achievement on the New Mexico standards based assessments;~~
~~(2) student growth in achievement based on the New Mexico standards based assessments;~~
~~(3) student growth of the lowest twenty fifth percentile of students in the public school based on the New Mexico standards based assessments;~~
~~(4) school growth based on the New Mexico standards based assessments;~~
~~(5) four year and five year cohort graduation rate, and beginning with the 2012 2013 school year, a six year cohort graduation rate;~~
~~(6) school growth in the four year cohort graduation rate;~~
~~(7) college readiness (i.e., ACT, PSAT, dual credit, SAT, PLAN, accuplacer, international baccalaureate or IB, or AP scores) or career readiness (i.e., pre apprenticeship programs, and cooperative education programs);~~
~~(8) school attendance; and~~
~~(9) the results of an opportunity to learn survey.~~
~~D. The department shall annually publish disaggregated school grading data on its website.~~
~~E. The parent of a student enrolled in a public school rated F for two of the last four school years shall have a right to either:~~
~~(1) transfer the student in the same grade to any public school in the state not rated F; or~~
~~(2) continue their schooling by means of distance learning through the statewide cyber academy or distance learning offered by any New Mexico school district or charter school, provided that the entire cost of distance learning shall be paid by the school that was rated F and in which student is still enrolled.~~
~~F. The transfer of any student pursuant to the A B C D F Schools Rating Act shall be conducted pursuant to the open enrollment provisions of Section 22 1 4 NMSA 1978, provided that no school district or charter school shall adopt enrollment policies that exclude the enrollment of a student from a school rated F for two of the last four school years, and provided further that students seeking to enroll in a charter school must participate in that school's lottery unless the school has not exceeded its enrollment limit and in any event the enrollment procedures set forth in Section 22 8B 4.1 NMSA 1978 shall apply. A school district shall not be responsible for the transportation cost or transportation of a student who transfers to a charter school or to a school in another New Mexico school district. A school district shall, however, be responsible for the transportation and transportation cost of a student who transfers to another school within the same district even where that school is outside of the student's attendance zone.~~
~~G. The options available pursuant to Subsection E of Section 6.19.8.8 NMAC, which shall be available to students with a disability and students who are English language learners, shall be in addition to any remedies provided for in the Assessment and Accountability Act (Chapter 22, Article 2C NMSA 1978) for students in schools in need of improvement or any other interventions prescribed by the federal No Child Left Behind Act of 2001.~~
~~[6.19.8.8 NMAC – N, 12/15/2011; A, 5/31/2012]~~

6.19.8.9 DETERMINATION OF A SCHOOL'S GRADE:

~~A. For elementary and middle schools, the indicators shall be weighted by assigning up to a maximum of 100 points as follows:~~
~~(1) 40 points for student performance, including achievement on the New Mexico standards based assessments of which 25 points shall be based on status proficiency and 15 points shall be based on VAM;~~
~~(2) 20 points for student growth based on the New Mexico standards based assessments;~~
~~(3) 20 points for student growth of the lowest twenty fifth percentile of students in the public school based on the New Mexico standards based assessments;~~
~~(4) 10 points for school growth based on the New Mexico standards based assessments;~~
~~(5) five points for school attendance;~~
~~(6) five points for results of an opportunity to learn survey; and~~
~~(7) in addition to the 100 points described above, an elementary or middle school may be assigned a total of five percent bonus points for either demonstrated parental involvement or demonstrated student participation in extracurricular activities, where:~~

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~~(a) parental involvement shall include but not be limited to innovative school programs involving parental input, detailed parental surveys on key educational initiatives, successful school and parent partnerships, increasing parental volunteerism, parental membership on audit committees pursuant to 22-8-12.3 NMSA 1978, and improvement of communication, all of which shall be verifiable;~~

~~(b) extracurricular activities shall include any single or combination of student participatory activities that include but are not limited to campus based academic and fine arts activities, campus based leadership activities, or any of the activities governed by the New Mexico activities association, all of which shall be verifiable.~~

~~**B.** For elementary and middle schools after totaling the points of each indicator, the following grade shall be assigned:~~

- ~~(1) a grade of A indicates a score of 75.0 points or higher;~~
- ~~(2) a grade of B indicates a score of 60.0 to less than 75.0 points;~~
- ~~(3) a grade of C indicates a score of 50.0 to less than 60.0 points;~~
- ~~(4) a grade of D indicates a score of 37.5 to less than 50.0 points; and~~
- ~~(5) a grade of F indicates a score of less than 37.5 points.~~

~~**C.** For high schools, the indicators shall be weighted by assigning up to a maximum of 100 points as follows:~~

- ~~(1) 30 points for student performance, including achievement on the New Mexico standards-based assessments of which 20 points shall be based on status proficiency and 10 points shall be based on VAM;~~
- ~~(2) 10 points for student growth based on the New Mexico standards based assessment;~~
- ~~(3) 10 points for student growth of the lowest twenty fifth percentile of students in the high school based on the New Mexico standards based assessment;~~
- ~~(4) 10 points for school growth based on the New Mexico standards based assessment;~~
- ~~(5) eight points for the four year cohort graduation rate;~~
- ~~(6) five points for school growth in the four year cohort graduation rate; however, schools that do not have members of any cohort are exempted from the graduation component of school grading for that year; the exempted school's overall grade will be comprised of the remaining grading components and its overall points will be adjusted to the standardized scale;~~
- ~~(7) four points for the five year and six year graduation rates; however, schools that do not have members of any cohort are exempted from the graduation component of school grading for that year; the exempted school's overall grade will be comprised of the remaining grading components and its overall points will be adjusted to the standardized scale;~~
- ~~(8) five points for student participation in college or career readiness;~~
- ~~(9) 10 points for student success in college or career readiness;~~
- ~~(10) three points for school attendance;~~
- ~~(11) five points for the results of an opportunity to learn survey; and~~
- ~~(12) in addition to the 100 points described above, a high school may be assigned a total of five bonus points for either demonstrated parental involvement or demonstrated student participation in extracurricular activities where:~~

~~(a) parental involvement shall include but not be limited to verifiable innovative school programs involving parental input, detailed parental surveys on key educational initiatives, successful school and parent partnerships, increasing parental volunteerism, parental membership on audit committees pursuant to 22-8-12.3 NMSA 1978, and improvement of communication, all of which shall be verifiable;~~

~~(b) extracurricular activities shall include any single or combination of verifiable student participatory activities that include but are not limited to campus based academic and fine arts activities, campus based leadership activities, or any of the activities governed by the New Mexico activities association.~~

~~**D.** A school will qualify as a supplemental accountability model or SAM when they serve a higher proportion of returning dropouts or students with disabilities. Utilizing modifications for graduation, career and college readiness, and bonus points, SAM schools must meet all other indicators for high schools, with the exception of these modified indicators:~~

- ~~(1) graduation cohort assignments will be made at the time the student enters the SAM school, based on the student's grade at entry;~~
- ~~(2) career and college readiness participation and success may be demonstrated by meeting benchmark scores on career readiness assessments approved by the PED; and~~
- ~~(3) bonus points can include evidence that the school is meeting goals specialized for the non-traditional student population.~~

PROPOSED STRIKETHROUGH

~~E.~~ For high schools after totaling the percentage scores and corresponding points of each indicator, the following grade shall be assigned:

- ~~(1)~~ a grade of A indicates a score of 75.0 points or higher;
- ~~(2)~~ a grade of B indicates a score of 65.0 to less than 75.0 points;
- ~~(3)~~ a grade of C indicates a score of 50.0 to less than 65.0 points;
- ~~(4)~~ a grade of D indicates a score of 35.0 to less than 50.0 points; and
- ~~(5)~~ a grade of F indicates a score of less than 35.0 points.

~~F.~~ To determine the participation rate, schools and districts must test ninety five percent or more of students enrolled in tested grades, as well as ninety five percent of those students in the lowest quartile. In the event that either all students tested or those in the lowest quartile comprise fewer than 40 students, participation will be averaged across the current and prior two years for that group. A school or district's failure to meet ninety five percent in either all students tested or in the lowest quartile will result in their overall grade being reduced by one letter grade.

~~G.~~ Despite the grading of public schools as established by this rule, any school that meets adequate yearly progress pursuant to the federal No Child Left Behind Act of 2001 during the 2011-2012 school year shall not be assigned a grade lower than a C. This consideration shall not be available in subsequent school years.

[6.19.8.9 NMAC - N, 12/15/2011; A, 5/31/2012]

[The department maintains a school grading technical guide on its website, which can be accessed at <http://ped.state.nm.us/> and provides a description of the variables and formula used to determine school grading, as well as the assessments and measurements that can be used.]

6.19.8.10 PRIORITYIZATION OF SCHOOL RESOURCES:

~~A.~~ As part of the annual budget approval process pursuant to Section 22-8-11 NMSA 1978, on or before July 1 of each year, the department shall ensure that a local school board or governing body of a charter school is prioritizing resources of a public school rated D or F toward proven programs and methods linked to improved student achievement until the public school earns a grade of C or better for two consecutive school years.

~~B.~~ To determine the prioritization of resources of a public school rated D or F, the department shall examine any combination of:

- ~~(1)~~ a school's core curricula in reading and mathematics;
- ~~(2)~~ a school's intervention curricula in reading and mathematics;
- ~~(3)~~ a school's current professional development activities for licensed staff including any efforts or plans to align that professional development to the school's deficiencies in reading and mathematics;
- ~~(4)~~ a school's educational plan for student success;
- ~~(5)~~ the licensure and documented skill set of the school's teachers and administrators;
- ~~(6)~~ any short cycle assessments administered by the school in reading or mathematics;
- ~~(7)~~ any learning software used by the school to teach reading or mathematics;
- ~~(8)~~ any district or PED data related to student proficiency in reading or mathematics, high school graduation rates, advanced placement courses, growth in high school graduation rates, and ACT, PSAT, SAT, PLAN, aceuplacer, international baccalaureate or IB, or AP scores; and

~~(9)~~ specific expenditures by the school related to teaching and assessing student proficiency in reading or mathematics; intervention programs under the state's RtI framework; alignment of curriculum, instruction and professional development to common core; alignment to cultural based education principles; and parental involvement.

~~C.~~ The department shall recommend additional proven programs and methods to local school boards and charter school governing bodies that are linked to improved student achievement. Each local school board and charter school governing body shall carefully consider the implementation of one or more recommended program or method until their failing school earns a grade of C or better for two consecutive school years. If after two consecutive school years a school continues to earn a grade of F, the local school board and charter school governing body shall implement new proven programs or methods that will result in increased student achievement.

~~D.~~ A local school board or charter school governing body choosing not to implement PED recommended proven programs or methods must demonstrate with student achievement data and in writing to the department that they have already identified and implemented a proven program or method linked to improved student achievement in reading and mathematics.

[6.19.8.10 NMAC - N, 12/15/2011; A, 5/31/2012]

6.19.8.11 SMALL SCHOOL AND NON-ASSESSMENT CONSIDERATIONS:

PROPOSED STRIKETHROUGH

~~A. A small school is a school with fewer than 30 students in the assessed grades. To calculate the school grade of a small school, the department shall where possible mitigate the impact of school size by using multiple years of data and consider the reliability of school estimates in calculations.~~

~~B. Schools such as kindergarten through grade two schools or ninth grade that are comprised of grades that are not included in the administration of standards-based assessments, shall be assigned the assessment data using a reconstituted student group of alumnae from that school in their first tested grade. If no alumnae exist, the school's feeder pattern will be used to assign a grade from the receiving school. If no feeder pattern exists, the school will be assigned the grade from the parent district.
[6.19.8.11 NMAC - N, 12/15/2011; A, 5/31/2012]~~

~~HISTORY OF 6.19.8 NMAC: [RESERVED]~~

**TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 19 PUBLIC SCHOOL ACCOUNTABILITY
PART 8 GRADING OF PUBLIC SCHOOLS**

6.19.8.1 ISSUING AGENCY: Public Education Department, hereinafter the “department”.
[6.19.8.1 NMAC - Rp, 6.19.8.1 NMAC, 12/31/2018]

6.19.8.2 SCOPE: This rule shall apply to all public schools in New Mexico. If any part or application of this rule is held invalid, the remainder of the rule or its application in other situations shall not be affected.
[6.19.8.2 NMAC - Rp, 6.19.8.2 NMAC, 12/31/2018]

6.19.8.3 STATUTORY AUTHORITY: Sections 22-2-1, 22-2-2, and the A-B-C-D-F School Rating Act 22-2E-1 to 22-2E-4, 22-2C-4, 22-2C-5, and 22-2C-11 NMSA 1978.
[6.19.8.3 NMAC - Rp, 6.19.8.3 NMAC, 12/31/2018]

6.19.8.4 DURATION: Permanent.
[6.19.8.4 NMAC - Rp, 6.19.8.4 NMAC, 12/31/2018]

6.19.8.5 EFFECTIVE DATE: December 31, 2018, unless a later date is cited at the end of a section.
[6.19.8.5 NMAC - Rp, 6.19.8.5 NMAC, 12/31/2018]

6.19.8.6 OBJECTIVE: The purpose of this rule is to implement the A-B-C-D-F Schools Rating Act (Sections 22-2E-1 to 22-2E-4 NMSA 1978) and the New Mexico state plan under the Every Student Succeeds Act approved by the United States department of education in compliance with Section 1111 of the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act to establish a consistent school accountability system for public schools. Additionally, this rule establishes criteria for rating public schools and provides options for students in failing schools. This rule provides for the identification of, and support for, struggling or failing schools and the prioritization of funding.
[6.19.8.6 NMAC - Rp, 6.19.8.6 NMAC, 12/31/2018]

6.19.8.7 DEFINITIONS:

A. “Chronic absenteeism” means an indicator equal to the percentage of students who missed ten percent or more of school days in which they were enrolled during the school year.

B. “College and career readiness” or “CCR” means an indicator calculated for all high schools statewide, consisting of the following:

(1) the number of students who participated in CCR opportunities, as defined by the department, divided by the number of students in the four-year graduation cohort;

(2) the number of students who were successful in CCR opportunities, as defined by the department, divided by the number students who participated; and

(3) the number of students who are successful in institutions of higher education measured by at least one of the following:

(a) remediation;

(b) enrollment;

(c) persistence; or

(d) completion.

C. “English learner” or “EL” means a student whose first or heritage language is not English and who does not yet understand, speak, read, or write English at a level comparable to grade-level English proficient peers and native English speakers.

D. “English learner progress” means a growth-to-proficiency indicator of the acquisition of English language proficiency for EL students.

(1) Each EL has an annual English language growth-to-proficiency target that is based on the student’s grade level at identification as an EL and the student’s initial English language proficiency level on the department-approved English language proficiency assessment.

(2) English language growth-to-proficiency targets are a measure of the extent to which students should be gaining English language proficiency within five years as measured by the department-approved English language proficiency assessment.

E. “Graduation growth” means an indicator equal to the annual increase in the four-year cohort graduation rate based on the three most recent years of data.

F. “Graduation rate” means an indicator equal to the percentage of students in a cohort who earned a New Mexico diploma of excellence within a specified number of years, with the cohort assigned based upon first-time entry into ninth grade.

(1) Four-year cohort graduation rate means the percentage of students in the four-year cohort who earned a New Mexico diploma of excellence within four years.

(2) Five-year cohort graduation rate means the percentage of students in the five-year cohort who earned a New Mexico diploma of excellence within five years.

(3) Six-year cohort graduation rate means the percentage of students in the six-year cohort who earned a New Mexico diploma of excellence within six years.

G. “Index score” means the score a school earns for each subgroup calculated using the same model as school grades using the indicators described in 6.19.8.8 NMAC that can be disaggregated by each of the following subgroups:

- (1) economically disadvantaged students;
- (2) students from major racial and ethnic groups;
- (3) children with disabilities; and
- (4) English learners.

H. “Local education agency” or “LEA” means a school district or a state-authorized charter school.

I. “Proficiency” means a student’s score of proficient or above as defined by the department on the New Mexico statewide assessment.

J. “Quartile” or “Q” means the student’s quartile status for school grading when calculating the following indicators:

(1) Q1 means the lowest-performing quartile of students, based on previous years’ performance on the statewide assessment;

(2) Q2 means the second-lowest-performing quartile of students, based on previous years’ performance on the statewide assessment;

(3) Q3 means the second-highest-performing quartile of students, based on previous years’ performance on the statewide assessment; and

(4) Q4 means the highest-performing quartile of students, based on previous years’ performance on the statewide assessment.

K. “School survey” means an indicator of student and family engagement, educator collaboration and engagement, and other critical components for quality schools as measured by a survey addressing the following domains:

- (1) school climate;
- (2) rigorous expectations;
- (3) student-teacher relationships;
- (4) belonging; and
- (5) safety.

L. “Statewide assessment” means the collection of instruments administered annually that assess student academic performance and students’ progress toward meeting New Mexico content standards in kindergarten

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M. “**Student growth**” means an indicator of the extent to which students are increasing their mastery of state content standards as measured by the New Mexico statewide assessment in kindergarten and grades one through 12.

N. “**Student proficiency**” means an indicator equal to the percentage of students who were proficient or above in the current reporting year.

O. “**Student STEM readiness**” means an indicator of student proficiency on the statewide assessment for science.

P. “**Supplemental accountability model school**” or “**SAM school**” means any public school in which, based on the fortieth day reporting, fifty percent or more of the student population is:

(1) age 19 or older; or

(2) non-gifted students who qualify for level C or level D special education.

[6.19.8.7 NMAC - Rp, 6.19.8.7 NMAC, 12/31/2018]

6.19.8.8 REQUIREMENTS:

A. Public schools shall earn a letter grade of either A, B, C, D, or F annually pursuant to Sections 22-2E-1 to 22-2E-4 NMSA 1978, A-B-C-D-F Schools Rating Act.

B. Elementary and middle schools shall earn grades based on the following indicators:

(1) student proficiency in English language arts and mathematics, as determined by New Mexico’s statewide assessment;

(2) student STEM readiness;

(3) student growth;

(4) chronic absenteeism;

(5) school survey; and

(6) English learner progress.

C. High schools shall earn grades based on the following indicators:

(1) student proficiency in English language arts and mathematics, as determined by New Mexico’s statewide assessment;

(2) student STEM readiness;

(3) student growth;

(4) chronic absenteeism;

(5) school survey;

(6) college and career readiness;

(7) graduation rate; and

(8) English learner progress.

D. The department shall annually publish disaggregated school grading data on its website.

E. Pursuant to Section 22-2E-4 NMSA 1978 and any applicable federal law, the parent of a student enrolled in a public school rated F for two of the last four years has the right to transfer the student in the same grade to any public school in the state not rated F or the right to have the student continue schooling by means of distance learning offered through the statewide or a local cyber academy. The school district or charter school in which the student was enrolled is responsible for the cost of distance learning. Enrollment policies shall align with the requirements outlined in Section 22-1-4 NMSA 1978 and applicable state charter law and shall prioritize the lowest achieving, low income students, as determined by the school district or charter school.

F. The transfer of any student pursuant to the A-B-C-D-F Schools Rating Act, Section 22-2E-2 NMSA 1978 shall be conducted pursuant to the open enrollment provisions of Section 22-1-4 NMSA 1978, provided that no school district or charter school shall adopt enrollment policies that exclude the enrollment of a student from a school rated F for two of the last four school years, and provided further that students seeking to enroll in a charter school must participate in that school’s lottery unless the school has not exceeded its enrollment limit. The enrollment procedures set forth in Section 22-8B-4.1 NMSA 1978 shall apply. The sending school district, excluding state-authorized charter schools, shall be responsible for the transportation and transportation cost of a student who transfers to another school within the same district even if that school is outside of the student’s attendance zone.

[6.19.8.8 NMAC - Rp, 6.19.8.8 NMAC, 12/31/2018]

6.19.8.9 DETERMINATION OF A SCHOOL’S GRADE:

A. Elementary and middle schools can earn up to a maximum of 100 points as follows:

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(1) 33 points for student proficiency in English language arts and mathematics as determined by New Mexico's statewide assessment;

(2) five points for student STEM readiness;

(3) 42 points for student growth, as calculated in the following manner:

(a) five points for Q4;

(b) 12 points for Q2 and Q3; and

(c) 25 points for Q1;

(4) five points for chronic absenteeism;

(5) five points for school survey; and

(6) 10 points for English learner progress.

B. High schools can earn up to a maximum of 100 points as follows:

(1) 25 points for student proficiency in English language arts and mathematics, as determined by New Mexico's statewide assessment;

(2) five points for student STEM readiness;

(3) 30 points for student growth, calculated in the following manner:

(a) five points for Q4

(b) 10 points for Q2 and Q3; and

(c) 15 points for Q1;

(4) five points for chronic absenteeism;

(5) five points for school survey;

(6) 12 points for college and career readiness, with the greatest weight assigned to the percentage of successful students as outlined in Paragraph (2) of Subsection B of 6.19.8.7 NMAC.

(7) 13 points for graduation rate, calculated in the following manner:

(a) six points for the four-year rate;

(b) two points for the five-year rate;

(c) one point for the six-year rate; and

(d) four points for growth in the four-year rate; and

(8) five points for English learner progress.

C. All enrolled students in eligible grades and courses, as determined by the department, must be assessed with the appropriate state assessment, including the state-approved alternate assessment when applicable. The benchmark for participation in the statewide assessment is ninety-five percent of all eligible students. Schools that fail to meet the minimum of ninety-five percent in either English language arts or mathematics shall have their letter grade reduced by one letter.

[6.19.8.9 NMAC - Rp, 6.19.8.9 NMAC, 12/31/2018]

6.19.8.10 PRIORITIZATION OF RESOURCES:

A. As part of the annual budget approval process pursuant to Section 22-8-11 NMSA 1978, on or before July 1 of each year, the department shall ensure that a local school board or governing body of a charter school is prioritizing resources of public schools identified pursuant to 6.19.8.11 NMAC.

B. Expenditures for instruction, student support services, instructional support services, and compensation and benefits for school principals designated as the 1000, 2100, 2200, and 2400 functions, respectively, in fund 11000 of the department's chart of accounts for expenditures shall be reported by the department every two years and posted on the department website. Published reports shall include the school grade earned for the three most recent years.

[6.19.8.10 NMAC - Rp, 6.19.8.10 NMAC, 12/31/2018]

6.19.8.11 SCHOOL IDENTIFICATION AND INTERVENTIONS: The department shall identify schools for comprehensive support and improvement (CSI), targeted support and improvement (TSI), and more rigorous interventions (MRI).

A. CSI identification. A school shall be identified as a CSI school if the school:

(1) is in the lowest performing five percent of Title I schools in New Mexico as identified by the overall score earned on the school grading report card as defined in 6.19.8.9 NMAC;

(2) has a four-year graduation rate less than or equal to 66 and two-thirds percent for two of the past three years; or

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(3) is a Title I school that was previously identified for TSI due to low performing student subgroups that has not demonstrated sufficient improvement after three years in that status by meeting the exit criteria.

B. CSI exit criteria. CSI status has a three-year implementation timeline. An identified CSI school is expected to exit CSI status within three years of being identified. Exiting CSI status shall occur under the following conditions:

- (1) for schools identified for being among the bottom five percent of Title I schools:
 - (a) improving the school grading overall score so that it is above the same overall score used to identify the lowest-performing five percent of Title I schools as described in Paragraph (1) of Subsection A of 6.19.8.11 NMAC; or
 - (b) by earning a grade of “C” or better;
- (2) for high schools identified due to low graduation rates, the school must improve their four-year graduation rate to be above 66 and two-thirds percent; or
- (3) for Title I schools previously identified as TSI schools with low-performing subgroups, the school must improve the index scores of all low-performing subgroups so the index scores for all subgroups are above the same score used to identify schools with low-performing subgroups as described in Subsection C of 6.19.8.11 NMAC.

C. TSI identification. A school shall be identified as a TSI school if one or more subgroups have an index score at or below the performance of all students at any of the lowest-performing five percent of Title I schools as defined in Paragraph (1) of Subsection A of 6.19.8.11 NMAC.

D. TSI exit criteria. Schools with one or more low-performing subgroups shall exit TSI status at any time when the school improves the index scores of all low-performing subgroups so the index scores for all subgroups are above the same score used to identify schools with low-performing subgroups as described in Subsection C of 6.19.8.11 NMAC.

E. MRI identification. A school shall be identified as an MRI school under one of the following conditions:

- (1) the school has been not exited CSI status in three years after identification; or
- (2) the school has earned four or more consecutive school grades of F.

F. MRI plans. Once identified as an MRI school, LEAs shall be required to identify and submit a plan falling under one of the following categories:

- (1) closure;
- (2) restart;
- (3) champion and provide choice: champion a range of choices in an open system that focuses on new approaches to learning, one that keeps individual students at the center of accessing options that best support their learning path. There shall be clear evidence that choice has been championed for the affected students; and

- (4) significantly restructure and redesign:
 - (a) The school shall change the vision and systems at a school by:
 - (i) extending instructional time;
 - (ii) significantly changing staffing to include only educators earning highly effective ratings and above; and
 - (iii) adopting state-selected curriculum approaches.
 - (b) The school may implement personalized learning models for all students.
- (5) The department shall provide additional guidance on the categories outlined in Paragraphs (1) through (4) of Subsection F of 6.19.8.11 NMAC.

G. MRI plan approval. If the district refuses to identify a more rigorous intervention in which to participate, the department will select the intervention for the school. The department reserves the right to approve or deny any MRI plan chosen and developed by an LEA.

H. MRI exit criteria. An identified MRI school shall exit in compliance with its approved plan if:

- (1) the school has earned a “C” or better; or
- (2) the school has improved its school grading overall score such that it is above the same overall score used to identify the lowest-performing five percent of Title I schools as described in Paragraph (1) of Subsection A of 6.19.8.11 NMAC.

[6.19.8.11 NMAC - Rp, 6.19.8.11 NMAC, 12/31/2018]

6.19.8.12 SUPPLEMENTAL ACCOUNTABILITY MODEL:

PROPOSED STRIKETHROUGH

A. The department may supplement the calculation of an overall score and school grade as described in 6.19.8.9 NMAC only for supplemental accountability model schools in one or more of the following ways, as determined by the department.

(1) Include the rate of senior completion, which consists of students who are not members of the four-year graduation cohort, when calculating the number of points earned for the four-year cohort graduation rate described in Subparagraph (a) of Paragraph (7) of Subsection B of 6.19.8.9 NMAC;

(2) Include additional department-approved assessments when calculating the participation and success components of the college and career readiness indicator included in Paragraph (6) of Subsection B of 6.19.8.9 NMAC; or

(3) Realign the point distributions described in 6.19.8.9 NMAC as follows:

(a) For elementary and middle schools:

(i) 25 points for student proficiency in English language arts and mathematics as determined by New Mexico's statewide assessment;

(ii) 15 points for Q2 and Q3; and

(iii) 30 points for Q1; or

(b) For high schools:

(i) 20 points for student proficiency in English language arts and mathematics as determined by New Mexico's statewide assessment; and

(ii) 15 points for Q2 and Q3.

B. Schools eligible for SAM school status remain subject to the assessment participation requirement described in Subsection C of 6.19.8.9 NMAC.

[6.19.8.12 NMAC - N, 12/31/2018]

HISTORY OF 6.19.8 NMAC: [RESERVED]