

**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

**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:**

PROPOSED INTEGRATED

**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:

(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
- (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:**

**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:

PROPOSED INTEGRATED

(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]**

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