

[EXT] School Grade Policy

Joyce A. Nielsen <Joyce.Nielsen@aps4kids.org>

Thu 11/1/2018 3:35 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

11/1/2018

To whom it may concern in the Policy Division;

A major concern concerning school grades, which is in 6.19.8 NMAC_School Grades Notice_Final, is the student survey element. I believe the bias on this is too great to give an accurate accounting of what teachers and the school are truly like. For example, almost every time I need to discipline a student, or even talk to them about behavior, missing work, etc., they get mad and the student survey they do on both myself and the school is very low. I have had students tell me that they rated every question the lowest it would allow. Their reasons were always based on a moment or moments of getting in trouble for something close to the time for taking the survey.

This is not correct, accurate or legitimate data on a teacher or a school. I believe that one element should be stricken from the policy. It should be taken out of the policy for schools as well as the policy for teacher evaluations.

Thank you for your time!

Sincerely,

Joyce Nielsen - Teacher

[EXT] High School Graduation Rate for SAM and CSI Designation

Mary Batista <BatistaM@beleneagles.org>

Fri 11/30/2018 8:31 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Cc:Frostad, Gregory, PED <Gregory.Frostad2@state.nm.us>; Duske, Marc, PED <Marc.Duske@state.nm.us>; Perez, Max <perezm@beleneagles.org>;

Good morning,

As Principal of Belen Infinity High School I am reaching out to voice my concerns over the proposed changes to the state's SAM status. Currently, Infinity High School is designated a CSI status due to graduation rate from the 2017-2018 school year (Letter Grade: "C"). We were fortunate to have Greg Frostad and Marc Duske visit the school on 11/26 in which in-depth discussion occurred regarding why Infinity has such low graduation rate.

There are many moving parts in a secondary school to achieve graduation and ultimately help students. With this being said, Belen Schools offers students an alternative way of getting their diploma by having an alternative school in the district. The alternative school is designed to service students who are lacking credits, dropped out, truant, socioeconomic issues, desire for change, etc... Often times students who fail or miss school do not have an opportunity to correct the credit in a timely manner and fall farther behind. Every student is unique in their education and every student who attends Infinity High School is set to capture their missing classes, to increase proficiency in ELA and Math and to be ready for the future via College/Career/Military readiness. This is not always an equation for exactly 4 years. While I understand that students should graduate in a timely manner - it is evident in today's world that is not always the case. Hence, the alternative program and the ability to enroll and continue education. Infinity High School offers education from a wide age spectrum: 14 to 21 years of age during the day - while the night school/tutoring piece is open to any and all people (with exceptions) who are looking to graduate or get further education and increase their knowledge and skills.

By measuring an alternative high school's graduation rate with the parameters (or successes) around strictly 4 years is setting an alternative school up for failure - regardless of the intent to have state averages increase. Alternative schools need an alternative measure for success especially when the intent is to provide an education based around proficiency rather than credits. This brings another valid piece in that the PARCC assessment will also hinder graduation rate when students are not meeting the score for the graduation requirement. This starts a domino effect on measurement and reliability if students continue to lack proficiency levels and ultimately effecting them for post-secondary work and/or schooling.

I can give multiple reasons as to why not all students will or should fit a four year model. Often times the students who are older H5, H6, H7 are the best successes because they continue their education past high school with a new sense of direction for education and work. For example, students who enter our school as a H4 but have very little credits - it takes time to complete graduation requirements and fill in the gaps in their learning which often reflects back to primary grades. If SAM status is removed due to the new proposal the school will struggle to exit the CSI status or decline to the MRI status.

As the Public Education Department looks into changes I request to please consider that the changes made without serious consideration for those who take a different path (alternative) can hurt the individuals that work diligently for those that desire to change their life.

I appreciate your time in this matter and happy to discuss or clarify any statements that have been made.

Thank you,

Mary

Mary C. Batista

Principal - Infinity High School, Family School, AES and BEST

505.966.1500 - Infinity

505.966-2270 - Family School

Go Eagles.

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[EXT] Feed back on Rule- Grading of Public Schools (6.19.8)

Erik Bose <erik.bose@abqcharteracademy.org>

Fri 11/30/2018 9:47 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

6.19.8 is the proposed rule:

For exiting CSI status, the proposed new rule states that:

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

It appears that schools with a mission focused on dropout recovery will never be able to exit CSI, except by becoming MRI. The data from our school enrollment over the last 14 years shows that over 40% of scholars who first enroll with us are already beyond their capability to achieve graduation within 4 years and there is another 30% of our scholars who are so far behind in credits that they will not have enough time to complete the NM State requirements for graduation. They are over-aged and under-credited and have chosen to return to a path that will allow them to compete in a our society. This new rule change will punish and eventually close schools with a mission to help our most vulnerable students.

As you can infer, this would make it nearly impossible for schools with an emphasis of dropout recovery to exit CSI status. There needs to be some consideration for programs that are designed to break the cycle of poverty and educate the most vulnerable of students.

Thanks, Erik

[EXT] Feedback on rule proposal - General Provisions (6.19.1)

Erik Bose <erik.bose@abqcharteracademy.org>

Fri 11/30/2018 10:00 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Under the proposed new rule, there would be changes by which schools are designated as SAM schools:

Given the transition to ESSA, there is currently a proposed rule for the Grading of Public Schools (6.19.8), which would replace the old rule of Public School Accountability: General Provisions (6.19.1).

“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.

1) PED gets the SAMs indicator wrong for multiple reasons:

- a. Unlike many of the changes in this rule that are being made to align with the ESSA plan, SAM schools were initially included in this plan and met with a workgroup hosted by the PED for over a year but their input was not include in the final product.
- b. That workgroup was focused on how to best measure schools with students who have experienced a variety of educational setbacks. The work that this workgroup did along with previous attempts to garner information regarding SAMS are NOT incorporated in this rule and basically ignores all of their recommendations and feedback and then goes in the opposite direction.
 - i. This work included more accurate criteria for identifying unique student populations, such as a metric for over-aged, under-credited students. This metric is the best on available and is used by states like Colorado.
 - ii. It is unclear how the PED came up with the 50% criteria and is way too limiting.
- c. The points for SAMS schools do not add up. It is impossible to give a good read on whether this accommodation is appropriate for schools and if it will measure anything a school does accurately.

Thanks for this opportunity to provide feedback and I hope you can con to a more reasonable conclusion.



Erik Bose
Executive Director

Albuquerque Charter Academy
405 Dr. Martin Luther King Jr. Ave NE | ABQ, NM | 87102
desk: 505.242.6640 x1104 | cell: 505.459.4439
[\[abqcharteracademy.org\]](http://abqcharteracademy.org)abqcharteracademy.org

Re: [EXT] input

Margaret Martinez <mmartinez@hatchschools.net>

Fri 11/30/2018 2:01 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

In support of the following

Notice of Proposed Rulemaking to obtain input on the proposed repeal and replace of **6.19.8 NMAC, Grading of Public Schools** and the proposed repeal of **6.19.1 NMAC, Public School Accountability: General Provisions**. The public comment period is from October 30, 2018 to December 3, 2018 at 5:00 p.m. (MST). The public hearing will be held on Monday, December 3, 2018 from 9 a.m. to 12:00 p.m. (MST) at **Mabry Hall**

Notice of Proposed Rulemaking to obtain input on the proposed repeal and replace of **6.10.7 NMAC, Statewide Standardized Testing Security Issues and Irregularities** to be replaced with **6.10.7 NMAC, Standardized Testing Procedures and Requirements**. The public comment period is from August 14, 2018 to September 17, 2018 at 5:00 p.m. (MDT). The public hearing will be held on Monday, September 17, 2018 from 9:00 a.m. to 11:00 a.m. (MDT) at **Mabry Hall**

Margo Martinez

New Mexico History/Yearbook

Hatch Valley Middle School

Image result for best educational
quote

On Fri, Nov 30, 2018 at 11:44 AM FeedBack, Rule, PED <Rule.FeedBack@state.nm.us> wrote:

Good morning,

Please indicate the proposed rule you are submitting public comment for.

Thank you,

PED Rulemaking Team

From: Margaret Martinez <mmartinez@hatchschools.net>

Sent: Wednesday, November 28, 2018 12:50 PM

To: FeedBack, Rule, PED

Subject: [EXT] input

Please give educators a raise. We have not seen a raise in years, YEARS, and it has been far to long. There is a shortage of teachers in NM for two reasons.

1. Moral

2. Pay

Please vote to get rid of unfair pay incentives and unfair school grading. Please get rid of common core and especially the way teachers are evaluated. The current system was allegedly being used to raise student proficiency, when in fact the reality is that past administration was using it to bring down public education as we know it. The amount of work that teachers do and the treatment is unfair and failing our students. Please increase pay and stop penalizing us for taking sick days, no other professions does that! We can't even take days off for our own kids. My son has gone to school ill because I can't take days off because I need the days for his orthodontics or for asthma specialist. It's time to start investing in our schools again.

Thanks for listening,

Sincerely,

Margaret Martinez

Margo Martinez

New Mexico History/Yearbook

Hatch Valley Middle School

Image result for best educational
quote

[EXT] 6.19.8 NMAC, Grading of Public Schools

Dahl, Heather J <heather.dahl@aps.edu>

Fri 11/30/2018 2:45 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

 1 attachment

NMAC 6.19.8 Response_APS.pdf;

Dear Ms. Gonzales,

Attached please find rule comment for 6.19.8 NMAC Grading of Public Schools from Albuquerque Public Schools. Thank you for your time.

Sincerely,

Heather Dahl, Ph.D.

Policy Analyst/Government Affairs Liaison | Albuquerque Public Schools

Cell: [505-350-1649](tel:505-350-1649) | heather.dahl@aps.edu | [PO Box 25704 Albuquerque, NM 87125-0704](mailto:heather.dahl@aps.edu)

November 30, 2018

Ms. Jamie Gonzales
New Mexico Public Education Department
300 Don Gaspar Ave.
Santa Fe, NM 87501
Submitted via Email: rule.feedback@state.nm.us

Dear Ms. Gonzales:

Thank you for allowing feedback on proposed rule change 6.19.8 NMAC Grading of Public Schools from the New Mexico Public Education Department.

The following comments concerning the repeal and replacement of 6.19.8 NMAC are submitted on behalf of the Albuquerque Public Schools pursuant to the Notice of Proposed Rulemaking published in the New Mexico Register on October 30, 2018. APS requests that its comments be taken into consideration when finalizing 6.19.8 NMAC. APS also requests that implementation of the Rule be delayed until input is received from the Michelle Lujan Grisham administration.

1. The Rule As Proposed Violates New Mexico Law

The proposed rule purports to align the implementation of the New Mexico Schools of the A-B-C-D-F Schools Rating Act (22-2E-1 to 22-2E-4 NMSA 1978) and the New Mexico ESSA plan approved by the U.S. Department of Education in compliance with Section 1111 of the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act.

At this point, no “alignment” is called for because the New Mexico ESSA plan has never been of any legal effect. NMSA 14-3-20 specified that an intergovernmental agreement, such as the state ESSA plan, does not become effective until it has been filed with the state records center, and the ESSA plan has never been filed. Moreover, the Secretary’s failure to file the plan is a misdemeanor, pursuant to that same statute.

Proceeding to enact these rules in light of the violation of NMSA 14-3-20 simply compounds the unlawful nature of this rule and its underlying premise.

2. The Mechanics of the Grading System are not Specified

Although the proposed rule appears to provide detailed criteria for school grading, in fact it provides detailed definitions of factors to be considered without providing any method of using those factors to calculate an actual grade. For example, it provides, in 6.19.8.9 that elementary and middle schools can receive up to 42 points for student growth “as calculated in the following manner.” The “following manner” simply shows a weighting of the possible points, but provides no indication of the manner in which actual student growth will be calculated within any of the quartiles. Would “student growth” be based on a comparison of standardized assessment scores year over year? Would it give some points if the growth was what was expected between grades,

or would points only be awarded if student growth exceeded the expected level? And how would the “expected” growth be calculated?

The proposal also provides points for STEM readiness. While that is a worthwhile target, what is meant by “readiness”? Does it vary by year, and if so, how? How will it be measured? PARCC has tests for math and language skills, but does not cover science and technology.

The proposed points also provide for “five points for chronic absenteeism.” Presumably, this means that a school could lose five points for chronic absenteeism, but it would be clearer if it said “five points for attendance.” The rule is silent about what criteria would apply to determine “chronic absenteeism.” Would it be a number of days, or a percentage of class periods, by a fixed number of students, or by some percentage of the student body? The rule provides no basis for understanding how those points would be awarded.

The “five points for school survey” serves an admirable goal of allowing “customer” input into the process. It can also, basically, act as a five point bonus regardless of the school’s actual performance. The use of such school surveys needs to be better defined to allow an evaluation of whether or not they are a valid measure to be included in the grade based on the questions asked and the level of participation in responding.

The scoring system also includes “10 points for English learner progress.” The same kind of questions are presented here as are present with respect to “student progress” in general—how is that progress to be calculated? What are the standards against which it will be measured, what kinds of assessments will be compared to those standards, and how will the 10 points relate to different levels of improvement?

Other parts of the grading formula suffer from the same lack of specificity. For example, high schools are eligible for points based on their graduation rate. They will receive up to six points for the four year rate. If the four year rate is 100%, that would presumably be 6 points. But if the high school did graduate 100% of its students in four years, how would it “earn” any points for the five and six year rates? No one would be left to graduate.

Similarly, how would the “growth in the four year rate” be rewarded? If a school starts at a 95 percent graduation rate, there is scant room for improvement; if it starts at 60 percent, a great deal of improvement is possible. Simply referring to “improvement” makes it sound like the second school could receive four points every year for years, while the first school might receive none, even though the first school was doing a far better job of graduating students.

The school grading also provides a penalty if participation in the standardized assessments is below 95% of eligible students. The proposed rule does not define “eligible students.” Are any kinds of absences excused? Also, under the current school grading system, PED does not enforce the penalty against schools that have fewer than 100 students. In some New Mexico districts, there is not a single school with 100 students; in APS, all schools have more than 100. Will this penalty continue to be imposed unequally, or will all schools be expected to meet the same standards?

3. “Prioritization” is not defined

Proposed rule 6.9.8.10 will require that schools “prioritize” their budgets to aid schools designated as CSI, TSI, and MRI. APS believes that it is important to aid those schools that require additional help, but the lack of any definition of “prioritization” or explanation of just

what that means is concerning. The generality of this rule could be used to eliminate local board discretion in how its funds should be spent—PED’s judgment as to “priority” could override the judgment of those who are actually working in a district and who are familiar with its specific needs and problems.

Absent the inclusion of any definition of prioritization or any limitations on its meaning, a school district could conceivably be forced to downgrade programs at better performing schools to satisfy someone else’s opinion as to what should be done for the “intervention” schools. The net result could be that the overall educational results—and grades—of the districts decline.

By statute (NMSA 22-5-4(C)), local school boards are charged with reviewing and approving an annual school budget, but this open-ended regulatory requirement could have the effect of depriving them of that statutorily granted authority.

4. “School Identification and Interventions” Has Gaps

Proposed section 6.19.8.11, while providing specificity in some areas, leaves uncertainty in others.

The organization of the rule is confusing. It appears that the first level of intervention is CSI, when in fact the rule provides that a school in TSI status will become a CSI school if it cannot sufficiently improve. It would be more logical to start the rule with TSI definitions and criteria, and then move on to CSI and MRI.

a. CSI Exit Criteria

The CSI exit criteria refer to a “three year implementation timeline.” It does not specify what is to be implemented. Does this mean simply that CSI status is expected to last for three years, or is there some specific sequence of things to be implemented on a set timeline?

If a school meets the exit criteria in less than three years, is it removed from CSI status at that time, or is the three year timeline automatic?

For criterion 3, referring to “low-performing subgroups,” are those “subgroups” defined elsewhere in NMAC, or is this an ad hoc designation? Are the scores “used to identify low performing subgroups” the scores from the year when exit is due, or the scores from the year in which CSI status was imposed? Also, the proposed regulation contains a cross reference to proposed 6.18.9.11(C), but that section is unclear.

In addition, the index score referred to is “an index score at or below the performance of all students at any of the lowest performing five per cent of Title 1 schools...” to what does “the performance of all students” refer? An average score? A school score? The lowest score of all the students tested? (If the latter is intended, no school will ever be designated as in need of intervention.)

b. TSI Identification and Exit

Please refer to the comment above concerning the ambiguity of “performance of all students” and lack of definition of “subgroups.”

c. MRI Designation and Exit

6.9.18.11(E)(1) appears to have a typographical error. It says “the school *has been not exited CSI status* in three years after identification.... We believe this should say “has not exited.”

That same section, involving three years in CSI status, raises another issue not addressed in the proposed regulation: when do the three years start? PED has not previously designated schools as CSI. Do the three year periods begin with the adoption of this regulation?

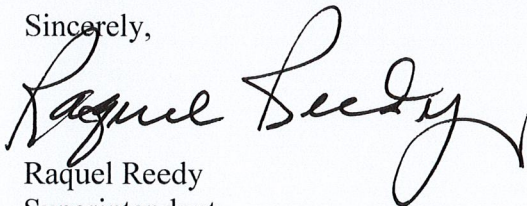
The regulation is supposed to align with the state ESSA plan, but in this provision it does not do so. The ESSA plan sets the start of this “didn’t exit CSI in 3 years” to begin in August 2021.

Section 6.9.18.11(E)(2) is also inconsistent with the approved ESSA plan. That plan requires that schools have previously been identified for comprehensive support and improvement before MRI status is imposed. To the extent PED did not identify schools as CSI, its new requirement that MRI is appropriate regardless of prior intervention is inconsistent with the ESSA (and prior ESEA) plan. The ESSA plan states that “For those schools identified for comprehensive support that fail to meet exit criteria, as outlined above, within three years, the SEA will require more rigorous interventions for LEAs and their CSI schools.” The ESEA plan required that “If after four years of intervention there is not consistent and sustainable growth within a Priority School, or school with an overall grade of F, the PED may consider other options such as school closure, reconstitution, or other external management providers to completely redesign a school.” This “legacy” policy is referred to in the plan, but is ignored by the regulation—there is no alignment.

6.9.18.11(G) says that “If the district refuses to identify a more rigorous intervention in which to participate, the department will select the intervention for the school.” Does this mean that the department is abandoning its present practice of making a choice contrary to that made by a district?

If you should have, any questions or concerns please contact Heather Dahl, APS Government Affairs and Policy at heather.dahl@aps.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "Raquel Reedy", with a stylized flourish at the end.

Raquel Reedy
Superintendent

[EXT] Rule 6.19.8 NMAC, 6.19.1 NMAC, Public School Accountability

Joleene Starr <dragonstarr821@gmail.com>

Sat 12/1/2018 3:09 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

I am writing to express my support for the continuation of the Grading of Public Schools and Public School Accountability. New Mexico's ESSA plan advocates for a "coherent, comprehensive, unbiased, and fair [grading] system." New Mexico's current grading system and ESSA plan is rated as one of the best in the country.

I am currently a 4th Grade Teacher in Raton. Our school district's grades have consistently ranged between not making annual yearly progress (2009) to a "C" (2018). Our district currently consists of one elementary school (Pre-K through 2nd Grade), one intermediate school (3rd – 6th Grade) and one high school (7th – 12th). The individual school's grades have fluctuated as well. The information the school accountability and the data attached proving the fact provide target areas for stakeholders, administrators, teachers, and families to repair deficits and celebrate successes. If expectations for schools are lowered, we are failing to prepare our students for job opportunities that are not yet in existence.

Another component for my support of school accountability pertains to informing families. I firmly believe all parents deserve for their children to attend high-performing schools with highly effective teachers. The school accountability system affords parents the information about all the schools in their districts with accurate data concerning students' achievement, graduation rates, school growth, student and parent surveys, and opportunities to learn. Students and families must be included in the school evaluation process. Leaving their voices out negate the process of providing an equitable education.

We, as responsive educators, should be completely transparent and forthcoming with families concerning the well-being, safety, and learning environments parents are entrusting their children to.

Respectfully,

Joleene Starr, Educator

[EXT] GRADING OF PUBLIC SCHOOLS COMMENT

JJ West <taggewest@gmail.com>

Sat 12/1/2018 4:21 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

After attending the SFA today, I realized this rule is not for our students' grades in public schools via the NMPED, rather how our Public schools are being graded through the district. I think this is confusing for parents to know which rule is being discussed. I currently am aware of + & - being taken off of grades, but am not sure if it's in reference to the schools' grade or the stidents' grade.

~With Kind Regards,

Jonalyn J. Tagge-West

[EXT] COMMENTS TO NMPED PROPOSED RULE 6.19.8 NMAC

pmatthews@matthewsfox.com

Sun 12/2/2018 1:06 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

📎 1 attachment

MATTHEWS FOX COMMENTS 6.19.8 NMAC.pdf;

Please find attached comments to 6.19.8. NMAC from the Matthews Fox, P.C. law firm on behalf of a number of our clients.

PATRICIA MATTHEWS

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Susan Barger Fox
sfox@matthewsfox.com

December 2, 2018

Via U.S. Mail and Email rule.feedback@state.nm.us
Policy Division, New Mexico Public Education Department
300 Don Gaspar Avenue, Room 101
Santa Fe, NM 87501

*Re: Comments on proposed Public Education Department Rule, 6.19.8 NMAC
"Grading of Public Schools"*

To whom it may concern:

This Firm provides the following comments in response to the proposed repeal and replacement of 6.19.8 NMAC as indicated herein.

General Comments:

"Notice" under the State Rules Act requires that the agency include, "a citation to technical information, if any, that served as a basis for the proposed rule, and information on how the full text of the technical information may be obtained." NMSA 1978, §14.4.5.2(A)(7). Section §22-2E-4(B) NMSA 1978 provides that the Public Education Department shall assign letter grades "pursuant to criteria established by department rules, **after input from the secretary's superintendents' council**...". The Department's Notice for this proposed rule does not provide reference to where evidence of such input exists, nor can the undersigned find any information about the "secretary's' superintendents' council" or its work related to development of this amended regulation as required by statute. In fact, the Department's Notice for this rule admits that **"no technical information served as a basis for this proposed rule change."** Despite the requirements imposed by the Legislature, which clearly contemplate that a "superintendents' council" is to be consulted before rules regarding school grades criteria are promulgated by the Secretary, the Department's Notice acknowledges that this did not occur. According to the State Rules Act, "no rule is valid or enforceable if it conflicts with statute." NMSA 1978, §14-4.5.7(A). It appears the propose rule is in conflict with the process contemplated by statute.

Specific Comments 6.19.8.7(P) NMAC:

Regarding the "supplemental accountability model schools" [proposed rule at 6.19.8.7(P)], the Notice does not reference the "recommendations for a new state regulation" that were, according to New Mexico's ESSA Plan, to be the outcome of a Department-convened group of stake holders, including charter schools. *See p. 96 NM's ESSA Plan.* It is unclear why the Department did not

consider this technical information, if it was obtained, or otherwise provide technical justification for ruling out any recommendations made during this contemplated process. Again, the Department's Notice appears to acknowledge that none of this work, if completed, was considered when drafting this rule.

In addition, the New Mexico ESSA Plan, at p. 96, specifically acknowledges the following groups as examples of relevant student populations to consider when developing New Mexico SAMS model, "e.g. students receiving alternative programming in alternative educational settings; students living in local institutions for neglected or delinquent children, including juvenile justice facilities; students enrolled in State public schools for the deaf or blind; and recently arrived English learners enrolled in public schools for newcomer students." It is unclear why the proposed rule does not include any of these or any other recognized populations as part of its definition of a SAM School and there is no technical information explaining why only two source groups are considered when defining a SAM School.

Specific Comments 6.19.8.9(C) NMAC:

6.19.8.9(C) – "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."

Neither ESSA nor the A-B-C-D-F School Ratings Act require a particular penalty for a school failing to meet the 95% participation rate in statewide assessments. The proposed penalty is particularly problematic for charter schools specifically, because of the negative consequences a letter grade may have on a charter school's renewal. For example, a C rated school (even just points from a B grade) with a 94% assessment participation rate, would have an overall grade of D under the rule. Based on the Department's proposed changes to the Charter School Renewal Process, 6.80.4.13(D) NMAC, having any combination of D or F ratings over three consecutive years, can result in nonrenewal. Closing a charter school because a small number of students did not participate in the statewide assessment could result in closure of schools that are providing a valuable academic option for parents. Moreover, the penalty does not account for the difference between a school with a 60% participation rate and 94% participation rate, both result in a full-letter grade drop. Furthermore, the rule does not give consideration for circumstances beyond the school's control, such as parents deciding to opt out of having their students participate in standardized testing. Schools have no means to force a student to participate and ESSA contemplates that states may give consideration to parents who chose to opt out of standardized testing.

It should be noted that there is already a built in penalty under ESSA for low participation. That is, when calculating the proficiency rate, the number in the denominator is the higher of 95% of eligible students or the number of students tested. For example, a school with 100 students tests 95 of its student and 80% "pass." The proficiency rate is then 80%. But at another school with 100 students enrolled, only 80 of them test. If 80% of those students pass (64 students) their published proficiency rate is only 64/95 which is 67% proficient. Adding a second penalty for a low participation rate results in a double penalty and such a penalty distorts the true picture of a school's actual academic performance.

Recommendation: When evaluating a charter school for renewal, consider its letter grade before reducing for assessment participation as the measure used to determine whether it “failed to meet or make substantial progress toward achievement of the department's standards of excellence or student performance standards identified in the charter contract” NMSA 1978, §22-8B-12(K)(2).

It is also recommended that New Mexico consider how other states penalize schools for not meeting the 95% participation rate, in that New Mexico’s system is uncommon and rejected by many if not most states.

Thank you.

Sincerely yours,
MATTHEWS FOX, P.C.

A handwritten signature in black ink, appearing to read 'Patricia Matthews', with a long horizontal line extending to the right.

By: _____

Patricia Matthews

cc: *Clients via email*

[EXT] proposed repeal and replace of 6.19.8 NMAC, Grading of Public Schools and the proposed repeal of 6.19.1 NMAC, Public School Accountability: General Provisions

Caroline Marrufo <ccmarrufo@gmail.com>

Sun 12/2/2018 5:12 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

I support the new rule for School Grades.

-Parents have the right to know how the school they are sending their child to compares to other schools. They also have the right to send their child to a more successful school, if they so choose.

-School grades hold teachers, administrators, superintendents and districts accountable for the job they do educating New Mexico's students.

-School grades provide information to District administrators and School Boards that will help them know which schools need to improve, so that they can provide the necessary support until all our school's are successful..

-School grades also provide information to District administrators and School Boards about successful school that can serve as models to failing schools.

Every child in New Mexico deserves to go to the best schools. Without school grades, we would have a difficult time assessing a school's success.

Caroline Marrufo
Teacher, Las Cruces Public Schools

[EXT] 6.19.8 NMAC, Grading of Public Schools and the proposed repeal of 6.19.1 NMAC, Public School Accountability: General Provisions.

gh1959@aol.com

Sun 12/2/2018 6:27 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

 1 attachment

Proposed Rulemaking for School Grading.docx;

Please see attached comments.

Proposed Rulemaking for 6.19.8 NMAC, Grading of Public Schools and repeal of 6.19.1 NMAC, Public School Accountability: General Provisions

Understanding that the rulemaking will align more with the ESSA plan, there are certain areas that need further discussion.

- 1) E. "Graduation growth" does not specify what indicator is used for the annual increase in the four year cohort. In the statewide ESSA Plan on page 80, the definition of graduation growth needs to be more specific, as defined in the ESSA Plan. Therefore Graduation growth should read:

Graduation growth refers to the annual increase in the 4-year graduation rate and is based on three years of data. Graduation growth is based on the slope of the four-year graduation rates for the past three years. (See Graduation Technical Manual on PED website).
- 2) F. "Graduation rate" does not specify what indicator is used and is a vague definition. There is not enough detail to determine graduation rate, based on first-time entry into ninth grade. The Graduation technical manual is more specific and should be referenced:
 - a. Graduation rate should be defined depending on the cohort:
 - i. Four year cohort: First time 9th graders in the first of four years and are present in one of PED's 4 enrollment windows as a 9th grader (40, 80, 120, EOY).

This does not necessarily mean "the cohort assigned based upon first time in 9th grade". This could also include transfers who are 10th, 11th or 12th graders, who could be in the 4 year cohort. The same is true for the 5year and 6year graduation rates. One thing that is not mentioned in this definition is, that graduation rate is one year lagged, and should follow the Graduation Technical manual, which includes shared accountability in determining graduation rates. Also, see page 72 of the ESSA plan which goes into detail about graduation rates.
- 3) The proposed language for "Quartile" or "Q" means the student's quartile status for school grading when calculating the following indicators:
 - a. Q1 means the lowest performing quartile of students based on previous year's performance on the statewide assessment;
 - b. Q2 means the second-lowest performing quartile of students based on previous year's performance on the statewide assessment;
 - c. Q3 means the second-highest performing quartile of students based on previous year's performance on the statewide assessment;
 - d. Q4 means the highest performing quartile of students based on previous year's performance on the statewide assessment;

These definitions contradict the current definition in the Technical Guide on the Accountability page of the PED website. The performance on the statewide assessment is for the CURRENT year, not the previous year's assessment. See page 9 of the 2018 Technical Guide, which states:

*"All students in the test file for the **current year** are aggregated at the school level. This aggregate includes all students who took any assessment in the current year and disregards a student's grade level".*

- 4) “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.

This definition isn’t complete. This definition should read: “the collection of instruments administered annually that assess student academic performance and students’ progress toward meeting New Mexico content standards from kindergarten through 12th grade”.

- 5) “Student growth” – do not agree with the new definition. It does not reflect comparison with other students. This definition should read: *Growth for each student is measured in relation to how a particular student scored in the current year compared to his or her academic peers (See ESSA plan page 71). Academic peers are students who scored about the same in the two prior years in ELA and mathematics. A student who scored the same as the average of his or her academic peer group has made one year’s worth of growth.*

I hope these suggestions are helpful in this rulemaking process.

Thanks.

Judy Harmon

[EXT] public comment on NMAC 6.19.8

Lee Ann Trzcienski <leeanntrz@icloud.com>

Sun 12/2/2018 8:41 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

I am writing to express my support for NMAC 6.19.8 pertaining to the grading of schools. Overall, our school has learned a lot from the grading system and its different categories. It has influenced our annual school goals, teacher PDP personal goals, and practice development training focus for teachers. I did read through the responses submitted so far, and I actually found them very enlightening. As a former engineer of very complex systems and processes, I can appreciate how difficult it is to design a "one size fits all" program - particularly as it relates to education performance measures. The education systems, processes, and procedures are not only very complex, but also changing constantly to better meet the needs of its primary stakeholders - students.

It is my personal belief that the A-F grading system will work for most schools. But, the schools like the ones mentioned in public comments for this ruling are truly different. These schools should not be measured like all the others because they do serve a unique population of students. I am particularly speaking about the 4-year graduate rate measures. The teachers who wrote in described very succinctly why there need to be changes to Rule 6.19.8 as it is currently written.

Another area that concerns me is the part of the school survey that elicits feedback from students and parents. While I do feel feedback from students and parents is important, it is also very subjective. I believe schools should conduct a survey and learn from the feedback, but the input from students and parents should not factor into the overall school grade.

Thank you for listening,
Lee Ann Trzcienski

[EXT] Public Comment for 6.19.8 Grading of Public Schools

Educating New Mexico <bmurphy@educatingnm.com>

Mon 12/3/2018 2:15 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

 1 attachment

6.19.8 Grading Public Schools Public Comment v2.pdf;

Hi Jaimie,

Attached is my Public Comment for Notice of Proposed Rulemaking for 6.19.8., Grading of Public Schools. Thank you so much and I hope you all have a nice day.

Choosing Love,

Bonnie Lee Murphy - Founder

Educating New Mexico

(505) 264-2401

bmurphy@educatingnm.com

<http://educatingnm.com>

[Educating NM Vimeo](#)

[Educating NM FB](#)

[Educating NM YouTube](#)

[FB Messenger](#)

[Choose Love Enrichment Program](#)

Jesse Lewis Choose Love Foundation Ambassador

December 2nd, 2018

Secretary Christopher Ruskowski
Public Education Department
300 Don Gaspar Ave.
Santa Fe, NM 87501

Dear Secretary Ruskowski,

Thank you so much for the opportunity to contribute to the proposed changing or repealing of the New Mexico Administrative Code (NMAC) and to improve the process of school grading.

As an advocate for parents, families and educators in New Mexico, and therefore having reviewed the Parent Guide for the Federal ESSA and state/local report card requirements located here:

https://www2.ed.gov/policy/elsec/leg/essa/parent-guide-state-local-report-cards.pdf?utm_content&utm_medium=email&utm_name&utm_source=govdelivery&utm_term,

(I was not able to locate the Federal ESSA requirements on the NMPED website. The full text document is located here: <https://www.ed.gov/ESSA>)

there are components of the Federal ESSA requirements that I am hearing parents and educators say they would like to see in our NM State ESSA Plan that are not being fully reported on and additional components of the NM State ESSA Plan that could be added on. This could increase the rigor of the NM State ESSA Plan and would simultaneously contribute to the much-needed transparency and accountability of many of NM's schools. I agree completely with their viewpoints, from my own personal and professional educator experiences.

Parents and families would like to have more information about schools, so they will be able to more accurately decide if they want their child to attend a particular school or not. Teachers (and coaches and administrators) would like to have more information about schools, so they will be able to more accurately decide if they want to teach and work at a particular school or not as well.

The current information being provided is helpful, but entirely too basic and the information being reported to the PED by schools is sometimes not accurate. One example of this inaccurate reporting is when an Instructional Coach is placed as the Teacher of Record for a class that they don't teach, thereby allowing the actual class teacher, who may be in an alternative licensure program as an entry level

teacher, not to be recorded as the Teacher of Record for that class. This allows the school to claim that they have only Highly Qualified teachers in their school and thereby receive all of the allowable points on their district report card, thereby increasing their district grade. This is just one example of the inaccuracies in data reporting taking place at some schools. There are other examples, however the topic is School Grades, which are used for district and state report cards also, so is therefore related.

The Federal ESSA requires per student allocations to be reported for each school on the state and district report cards. This is not occurring on district report cards, and parents cannot understand what the currently provided information means. Per pupil allocation is per pupil, not a percentage of an amount that was allocated or given. Parents are less likely to read the state report card than they are to read the district report card, so we should be sure it is included on the district report card. Alternatively, and preferably, we would like to see this information on the school report card and ask that fiscal responsibility, as an additional allowable indicator, be provided to the public, who pay taxes, which are used to fund schools around the nation and the state of New Mexico through distributed funds.

The Federal ESSA also requires that the state and district reports must show how much money comes from federal sources and how much money comes from state and local sources. The district and school report cards do not do this. This needs to be added to them. One additional, optional component to add to the school grades or state and district report cards are how much PRIVATE monies from Foundations and other private entities from around the nation are being given, or contributed to, schools (mainly charter schools) and what this money is being given and used for. Having also heard from the gas and oil industry, they would like very much to know how the monies they are contributing is being spent, so a breakdown that is easily accessible to all residents and business owners and operators in New Mexico is in demand. This is a popular topic of conversation in many business circles and increases in frequency.

“ESSA requires States to consult with parents as States develop their report cards. States may do this in a variety of ways, including the following:

- Holding meetings with parents
- Creating a report card committee that includes parents
- Publishing drafts for feedback.

Through this consultation, parents are able to advise States on the best way to display the required information. Parents can also explain what information parents need in order to understand how schools are doing.” (A Parent Guide to State and Local Report Cards, Ed.Gov, November, 2018)

Thank you for allowing public comment on the development of school grades for report cards. Please, consider also putting out a request for parents to be a part of a wide variety of committees across the state in every county, town and city in New Mexico on school grades and report cards input, as well as allowing the committees to review their input as soon as it is gathered before publishing the information. The Strategic Outreach team at the PED is doing a great job of reaching out to educators, parents and community members to educate them on policies and how education works and listening to stakeholder feedback. Thank you so much for beginning this valuable opportunity for collaboration for New Mexicans.

The Federal ESSA requires that state and district report cards include the following, which our district report cards do not, so we would like to see this information on district and school report cards as well:

The most recent information about the following:

- In-school suspensions
- Out-of-school suspensions
- Expulsions
- School-related arrests
- Referrals to law enforcement
- Chronic absenteeism
- Incidents of violence (including bullying and harassment)

We would like for school grades to include additional accountability indicators of school quality (as allowed by the Federal ESSA) in:

- educator engagements, such as how many teachers have been hired and have left the school each school year (and why), how many teachers have taught in one classroom only all year and how many have taught in more than one classroom all year, how many substitutes the school and classrooms have had all year, how many of the teachers are highly qualified or not, so teachers know what kind of school climate they are going to be working in, instead of finding out the hard way, as some teachers do, and so parents will know what kind of consistency they can expect from a school and its staff or whether that school is having a hard time keeping their staff and meeting their needs to grow professionally or not, etc.

- student engagements (how many students have been enrolled in a school and have left the school each school year (and why), with representation in each subgroup of the school's population through demographics, so parents can see if there is discrimination occurring already instead of having to find out the hard way, as some families do, etc.

Although the above are all reasonable requests for information made by the public to have on state and district report cards (though they are not provided on district report cards currently, as required) we would like them to be included on school report cards for parents' and educators' own decision-making abilities to wisely investment of their time and energies (their child's future or their life's work). This is a reasonable request for any business person, any manager, any facilitator, any concerned family member.

The above information is not always accurately recorded within the school's records itself, so that is why it is necessary to have this information (see above bullets) provided to parents, families and educators to review before including the information on school report cards also.

"School environment data helps parents understand information about the school's culture and climate." (A Parent Guide to State and Local Report Cards, Ed.Gov, November, 2018)

We would also like to request that teachers and parents review the 40-, 80-, and 120-day count data reports that their school submits to the PED for accountability purposes. Not only is this transparent and builds trust, but it is accountable, and it teaches families and teachers how the "mysterious" system of education works here in New Mexico, in the United States.

This would logically help to create interest and satiate a desire to continue to work in the education system for many teachers who want to know how things work and even contribute to the education system in an innovative and high achieving results-oriented and -driven way. I can speak personally as an educator who had a taste of this kind of information through the New Mexico Teacher Leader Network for a short time and wanted to know more about how things worked and to contribute to that betterment of our school system, but when I was refused that progress and growth in my own professional development and began to see inconsistencies in the way that laws and policies were being carried out at the school level, I felt helpless to do anything about it, so I left teaching. I have spoken to many other educators who would love to have more knowledge about how our education

system works, would love to have control over whether their information is being reported properly or not, and would love to be part of leadership opportunities. We can stop them from leaving the field of education and grow highly knowledgeable and motivated school leaders, simply by involving teachers in the process at this level of accountability. School leaders shouldn't feel threatened by the desire for a teacher to have that level of involvement, rather they should feel flattered and honored that their school is at such a high level of accountability and trustworthiness that educators want to keep working there and helping the students and school achieve because they are fully invested, unless they have something to hide.

"ESSA requires that State and district report cards include the number and percentage of the following:

- Inexperienced teachers, principals and other school leaders
- Teachers teaching with emergency or provisional credentials
- Teachers who are not teaching in the subject or field for which the teacher is licensed

The above data must show a comparison between high-poverty and low-poverty schools. It might look something like this:

	% in high-poverty schools	% in low-poverty schools
inexperienced teachers	20%	18%
emergency credentials	21%	17%

Parents deserve to know the qualifications of the teachers who spend critical amounts of time with their students." (A Parent Guide to State and Local Report Cards, Ed.Gov, November, 2018)

We recognize that highly qualified and trained teachers are important for student achievement, especially for our at-risk populations in need of additional specialized instruction (English Learners, Students with Disabilities, students who have mental illness that can't be completely treated by Social & Emotional Learning strategies and other teaching methods, etc.), of which we have many here in New Mexico.

We would like to also see parents and teachers included in contributing to evaluation data for teachers, principals and other school leaders on school grades. The current system of allowing parents and students to fill out paper surveys that they give to administration to "turn in" for them is like the fox

guarding the hen house; it isn't honest or accurate in some schools. Some administrators throw away the bad reviews.

Creating a system that would allow parents and families and educators to rate their (fellow) educators, principals and superintendents in a more detailed and thorough way that will keep the data away from educators, principals and superintendents until they all (including teachers who are not teaching the following year should be able to review their information and ask questions before the data is turned in) have a chance to review before the results are submitted and then everyone else will see the results, but in a way that doesn't point to a specific teacher. An administrator and superintendent should be willing to be that transparent and accountable. Teacher evaluation data should be used, as administrator and superintendent data should, as a tool to improve. We don't have enough teachers in our state, considering the shortage, especially of Special Education teachers, to continue this "weeding out process" that administrators and coaches speak of. We need to help our teachers improve and grow, not push them out of schools by starving them from recognition and opportunity to advance, professional development, and mentoring and coaching, as it appears is typical.

Additional indicators that you could also include in a school report card (or summary, description or whatever it may be called in the future) that I have heard parents and teachers indicate would be important to them are:

- kinds, levels and hours of professional development offered at that school
- accessible annual, renewal, new, and expansion site review and evaluation data for charter schools (should be mandated, however if schools are willing to be evaluated by an independent group, their results should be published that way as well)
- average salaries of teachers, then special education teachers, and then administrators as well as average pay for supplementary service personnel (because if you pay teachers and service providers well and treat them well, they will stay longer, which our parents and educators should have the right to know if that is happening before they choose that school or not)
- whether a school or classroom covers their windows, so people can't see inside
- whether parents are actually involved and engaged in (the difference is being actively involved in the school's decision-making processes) and to what degree

- whether schools (especially charter schools) hold Open Meetings for their Governing Boards, according to the Open Meetings Act or not and to what degree, following the laws and policies of the Act, with parent and teacher engagement in decision-making
- whether schools have the necessary signs posted around their school that they should (Inspection of Public Records Act, etc.)
- whether a school has developed a comprehensive school safety plan or not (while a school that has not developed one would be more vulnerable through publishing this kind of information, parents and families have more of a right to know whether their child will be safe in that school or not before they enroll their child or move to that district). *The only other alternative to this is to mandate a law that a comprehensive school safety plan be put in place, monitored, and evaluated continually for effectiveness at every school in New Mexico.*

One additional request that we would like to make is to please provide a space on a school report that allows for data from Social & Emotional Learning and other forms of positive psychology and emotional intelligence to be included as standard sections on the school report cards, so the information can be collected across all schools and districts in the state, **if** the school includes it in their daily, school-wide instruction, their school climate and culture, and their procedures and routines. More schools are beginning to use this measurement indicator in their own internal data here in New Mexico because they see how much improvement students exhibit behaviorally and academically, when it is implemented. Parents and families, and teachers and administrators are going to want to know which schools are providing this kind of instruction and support for their students and their educators (and possibly their students' families), because those will be the most respectful and joyful learning environments to be in. This data could also be included in an indicator about whether the school has developed a comprehensive school safety plan or not, such as this comprehensive school safety plan with recommendations that has been developed by the proactive and sensible Governor of New Hampshire.

<https://www.governor.nh.gov/news-media/press-2018/documents/20180705-school-safety-report.pdf>

New Hampshire was voted best place to live in 2017, being 4th in the nation for education, 1st in the nation for opportunity, 2nd in crime & corrections, and 4th in quality of life).

<https://www.usnews.com/news/best-states/rankings>

Our children should have the right to be taught the non-academic skills they need to succeed in college and in life, skills to help them stay safe with strategies and tools to maintain healthy mental, social and emotional interactions throughout their lives.

Please, provide more easier to read graphics, such as charts and bar graphs, so that all of our students' parents and grandparents in New Mexico will be able to interpret and understand.

Thank you so much, again, for the opportunity to make recommendations and give input on rule-making and changing our state's NMACs. We greatly appreciate these requests for input and commend your efforts to provide engagement opportunities for parents, families, educators and community members of New Mexico.

Sincerely,

Bonnie Lee Murphy

*Bonnie Lee Murphy - Founder
Educating New Mexico*



(505) 264-2401

bmurphy@educatingnm.com

[EXT] School Grades Rule Feedback

Matt Pahl <matt@nmccs.org>

Mon 12/3/2018 12:41 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

 1 attachment

School Grades Rule.pdf;

Please see the attached as feedback for the proposed rule on school grades.

Matt



Matthew Pahl
Executive Director
New Mexico Coalition for Charter Schools
301 Edith Blvd. NE, Suite 200
Albuquerque, NM 87102
505-409-5699

Dear Secretary Ruskowski:

Please accept the following as New Mexico Coalition for Charter Schools' feedback on the proposed rule changing school grades (NMSA 6.19.18, repeal and replace). The following addresses some concerns in the rule as well as some welcome additions.

We welcome several changes to the school grading system: first, the addition of new academic indicators such as STEM-ready and English Language growth diversifies a system that was too reliant on one assessment. The inclusion of chronic absenteeism is also welcome, and we look forward to a number of charter schools showing just how successful they are under this metric given their enhanced student engagement. Diversified metrics that capture more student subgroups is a positive development for School Grades as well.

Each of the aforementioned metrics represent advancements in the school grading system. This rule proposal had an opportunity to do the same with Supplemental Accountability Model (SAM) schools, but failed. The proposed criteria to obtain SAM designation represents no advancement over the current model, which needs improving. This was acknowledged many times by the PED, who hosted several workgroups with the purpose of finding new criteria for SAM schools and a new way to measure their success or failure in the grading system. Workgroups coalesced around using data the PED already collects through STARS to identify SAM schools such as using an "over-aged, under-credited" identifier, the proportion of a student body that are English Learners or homeless, and/or students who have dropped out. These proposals would more accurately identify schools with unique student populations to help build an accountability system that meets the state's needs.

We also have questions about how the PED came up with a 50% criteria for each of their indicators to obtain SAM identification (over 19 years of age and special education rates). Some information on analysis on this would be helpful, as it was one of the next steps of the working group put together by PED earlier this year.

Lastly, in section 6.19.8.12(A)(3) the points allocated for SAM schools in the proposed rule is either not complete or does little to recognize the unique student populations at a SAM school. 6.19.8.12(3) in the proposed rule articulates the allocation of points for SAM schools. The points allocated for Elementary schools only add up to 70 points. The points allocated for high schools are even lower at 35 points. These proposed point distributions do not recognize the challenges of serving students in this population – in fact, they increase the inequity in school grades for SAM schools by putting a higher weight on proficiency. A focus on academic growth and new methods to capture graduation for these student populations should be the primary considerations for SAM schools.

The New Mexico Coalition for Charter Schools requests that all SAM items from this rule be stricken from the rule until the workgroup can reconvene and finish its work and a final proposal is finished.

Matthew Pahl
Executive Director

[EXT] rule 6.19.8 - Grading of Public Schools

Tennise Lucas <lucas.tennise@gmail.com>

Mon 12/3/2018 3:25 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

I am a New Mexico educator of over 15 years. I absolutely love my job. As a former parent, I would have loved to have been told how the school my daughter was attending was rated. Had I had this information I would have been more informed as a parent about the possibilities of a college and career ready path for my daughter.

The rule has very clear and reasonable definitions of each requiriment. There are rigorous, yet attainable expectations. There are systems in place to help struggling schools with the aid of PED through CSI, MRI, and TSI programs.

A couple things to consider is the "Chronic absenteeism" definition. 10 percent is still 18 days out of the year, which is way too many. Understanding this is an agreed-upon definition in the world of education, this situation needs to be addressed much more aggressively. This leads me to the high school requirment in section 6.19.8.9. "Schools that fail to meet the minimum of ninety-five percent in either English language arts or mathematics shall have their grade reduced by a letter grade." If schools have PED approved systems in place to combat this problem, the schools should not be penalized for this. There is a Chemistry teacher in Albuquerque who had this problem. I have no idea what the systems they have are, but his data is amazing, yet, not enough students took the exam so it hurt his evaluation, which also hurt the school grade. In this case, there must be an effective system of parent accountability.

As stated above, this is an important tool for parents to use for choosing their child's education. I recommend this rule be approved so we continue to move toward excellence of edcation in NM.

[EXT] Comment on Proposed Rule 6.19.8.10, "Prioritization of Resources"

Fred Nathan <fred@thinknewmexico.org>

Mon 12/3/2018 4:27 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Cc:'Kristina G. Fisher' <kristina@thinknewmexico.org>;

Think New Mexico supports this proposed change to NMAC 6.19.8.10, which would direct the Public Education Department (PED) to do more to ensure that struggling school districts are maximizing their spending in the classroom and would also institute public reporting about how much each school district and charter school is spending in the classroom and on central administration.

In 2017, Think New Mexico studied New Mexico's highest performing school districts. Along with achieving high graduation rates and math and reading scores, these districts tend to spend a larger percentage of their budgets on classroom expenses, such as teachers, coaches, counselors, nurses, educational assistants, and school supplies, rather than on administrative expenses in the central district office. Yet statewide, approximately 30% of the dollars appropriated for New Mexico's schools are currently spent on school district central administration. Shifting more of the state's education budget from administration to the classroom is an essential piece of improving the performance of our schools.

Subsection A of the new language proposed for NMAC 6.19.8.10 tasks the PED with increasing its oversight of the spending of school districts and charter schools that are identified as underperforming. This helps to address a key point raised in the Yazzie/Martinez v. State of New Mexico decision, which held: "PED has a statutory obligation to supervise all schools and school officials coming under its jurisdiction, including taking over the control and management of a public school or school district that has failed to meet requirements of law or department rules or standards, and to determine policy for the operation of all public schools and vocational education programs in the state. This authority is broad enough for PED to review and assure that districts are using the money provided by the State to provide programs to assist at-risk students. PED approves the annual budget for each district and it approves federal grants to the districts. [LFC] Deputy Director Charles Sallee testified that PED has budgetary authority under the SEG to withhold approval of a district's SEG allocation if the PED determined that the district was not spending its money in accordance with the State Constitution."

Think New Mexico would recommend that the proposed rule be broadened to direct PED to ensure that every district and charter school maximizes its classroom spending, not only districts categorized as in need of intervention.

Subsection B of the proposed NMAC 6.19.8.10 requires the PED to publicly report on each school district's and charter school's classroom and administrative spending every other year. Think New Mexico is strongly in support of this public reporting, as we believe that students, families, and members of the public should have easy access to information about how their school district is allocating its funding. Think New Mexico recommends that the proposed rule be strengthened by requiring annual reporting of classroom and administrative spending, rather than every two years.

Ultimately, legislative action is likely necessary to ensure that school districts maximize the proportion of their

budgets that they spend in the classroom. However, in the meantime public reporting of classroom and administrative spending is an important step in the right direction.

Sincerely,

Fred Nathan, Jr.
Executive Director

Fred Nathan Jr.
Founder and Executive Director

Think New Mexico
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[EXT] salary increases for teachers: A good idea and necessary. Interestingly perhaps, I am not sure automatic increases or new minimums for administrators are necessary. Administrative salaries have been sucking people out of teaching for years. Follo...

James Tansey <tansey.roberttansey.james@gmail.com>

Fri 11/30/2018 3:53 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;



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Hon. Jared Polis, Founder
Juan Vigil, Governing Council President
LaTricia Mathis, Principal

December 3, 2018

Via Hand-Delivery

Policy Division, New Mexico Public Education Department

300 Don Gaspar Avenue, Room 101

Santa Fe, NM 87501

Comments on proposed Public Education Department Rule, "Grading of Public Schools" 6.19.8 NMAC.

On behalf of New America School-New Mexico and New America School-Las Cruces, please find attached research and information supporting our opposition to proposed sections 6.19.8.7(P) and 6.19.8.12 NMAC regarding a Supplemental Accountability Model for New Mexico.

Sincerely yours,

LaTricia Mathis
Principal
NAS-NM

Comments on the Proposed Revisions to the SAM Rating System

Basic to any state accountability system is an expectation that student and school success are measured accurately for the intended purpose. Based on federal and state policy the intended purpose of school accountability is to a) provide information to the public regarding of the quality and/or effectiveness of schools (or school districts) and b) provide actionable data and information to be utilized by the school and/or school district for school improvement planning and implementation.

Accurately measuring student success presupposes a set of thoughtful, well-aligned standards, assessments, and performance targets that when aggregated will 1) Produce differentiation among the assessed entities (i.e., school and school districts); and 2) Have an evidence base affirming their use in the context in which it is being applied.

It is through the aforementioned lens that a recent review of New Mexico's current SAM rating system was evaluated by national experts in the field of alternative school accountability, Momentum Strategy & Research. The results of this evaluation found several areas where current SAM rating criteria fails to differentiate performance, leading to an overall rating system that also fails to differentiate between SAM schools. In addition, Momentum has reviewed the proposed changes to the SAM rating system, put forth by the New Mexico Public Education Department, and found that the proposed revisions do not improve upon the shortcomings of the existing system, with respect to SAM schools. Nor do the proposed revisions to the definition of SAM schools go far enough to ensure that only a limited and appropriate set of schools are identified as warranting a different, or alternative, set of accountability rules.

"Alternative accountability" is a general term used to describe adjustments to state accountability systems for school serving atypical concentrations of the highest risk students. As those students exhibit significant and documented differences in student outcomes (for examples see Appendix A and B), alternative accountability systems provide nuanced adjustments to measures, metrics, and targets to be consistent with norms for similar students and schools.

A number of states boarding New Mexico can be included as representatives in a nationwide backdrop of efforts designed to ensure fair and accurate treatment of schools focused on the highest-risk students. Just this past month the 7th Annual Alternative Accountability Policy Forum (AAPF) wrapped up proceedings in California, having featured thought leaders, policy-makers, and practitioners all committed to ongoing improvement of public school accountability for America's most disadvantaged students and schools.

Momentum Strategy & Research, mentioned in the section above, is a research and policy organization heavily involved in alternative accountability efforts across the country. Momentum has been informing the development of alternative accountability systems across the nation for over a decade, pulling on the data and information they have compiled into database, which houses 1) State alternative accountability policy features; and 2) School and performance data from over 5,000 schools and programs across the country.

The New America Schools, New Mexico, have teamed with Momentum to provide a review of New Mexico's SAM system in light of national data, trends, and examples. Momentum's analysis is referenced herein, and the recently prepared report is also attached.

Definition of “Supplemental Accountability Model” or “SAM” schools

Both current criteria used for SAM eligibility and proposed changes consider only two student types for eligibility, contrary to research on performance patterns of high-risk students and in a manner unseen in any other state arrangement.

Current Language: 6.19.8.7 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 10% or more of the students are 19 years of age or older, or where 20% 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.

PED Proposed Revision 6.19.8.7 P. "Supplemental accountability model" 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.

The proposed changes are entirely inconsistent with other state alternative accountability policies and run contrary to empirical data regarding students at significant risk of dropping out of school (See Appendix A and B for summaries of alternative school proficiency and cohort graduation rates).

By way of illustration, Table 1, below, notes the 12 most commonly cited high-risk categories used in defining alternative school students.

Table 1. High-Risk Characteristics Specified by States in Statute and/or Regulation

Student Risk Characteristic	# of States in 16-17
Poor academics (retained, failure of state assessments, poor grades)	22
Prior Dropout	17
Disruptive or problem behaviors in school	16
Pregnant or parenting teen	15
Truant, chronic absentee, poor attendance	13
Over-age, credit deficient	11
Criminal activity, juvenile delinquent, court involved youth	10
Alcohol, substance abuse	10
Experienced trauma or abuse	8
Limited English Proficient	8
Homeless	7
Student in foster care or ward of the court	7

Source: Data collected by Momentum Strategy & Research 12/16 through 1/17.

More specifically, across three states bordering New Mexico alternative school eligibility criteria are as follows:

Table 2. Summary of Policy Elements Defining Alternative Schools in Neighboring States

Neighboring State	Percentage of students for alternative accountability	Number of Categories of qualifying students from Table X	Number of eligible schools or campuses ^a
Arizona	1 or more of 6 70%	6 plus students that are fiscally responsible for others	177
Colorado	1 or more 11 90%	11 plus parental substance abuse or adjudication and gang involvement	93
Texas	1 or more 8 70%	8 plus those previously in an alternative program and or treatment facility or residential home.	374

a. In Texas, charter schools may have multiple locations, or campuses. The number provided for Texas includes the number of AECs including the multiple campuses of some charter AECs. The number of schools/campuses reported here for each state also include schools that are within adjudication facilities and hospital or treatment facilities.

Rather than limiting this definition to adult students and special education students,¹ and requiring they be included as part of a school's mission—as is in the current SAM school regulations— the proposed changes can be simply amended to include other students routinely included in other states' definitions of those served by alternative schools (e.g. "poor grades, truancy, disruptive behavior, eligibility for special education services, or other factors associated with temporary or permanent withdrawal from school") in the list of students required to be served by SAM schools (as part of the 50%).

Summary of SAM Grading Issues

While the attached report provides more detail on the shortcomings of the current SAM rating system, Table 3, on page 4, illustrates the relative lack of differentiation for SAM Schools compared to other New Mexico public schools. Table 4 then draws a picture of the recent distributions for AEC ratings from nearby states, illustrating how alternative accountability system ratings can be spread across all of the possible grades.

¹ Though special education students are not included in Table 1, special education students are identified as high-risk in four other states.

Table 3. 2017-2018 Overall School Grade Distributions for New Mexico's SAM Schools, Traditional High Schools, and All Non-SAM Public Schools

School Group	# of Schools	Percent of Schools with each of the following Overall Grades for 2017-2018					
		As	Bs	Cs	Ds	Fs	D or F
SAM only	36	0%	6%	42%	36%	17%	53%
Trad. HS only	182	16%	23%	36%	19%	5%	25%
All non-SAM schools	807	14%	27%	23%	22%	14%	36%

Table 4. Comparative Distributions of Alternative Schools' Final Grades^a in New Mexico and Three Neighboring States

State	# of Schools	Percent of Schools with each of the following Overall Ratings (or the states' equivalent)				
		As	Bs	Cs	Ds	Fs
New Mexico	36	0%	6%	42%	36%	17%
Arizona	131	8%	28%	47%	8%	8%
Colorado	89	46%		34%	19%	1%
Texas	807	14%	27%	23%	22%	14%
Ohio	67	21%	70%			9%

a. Using each state's own alternative accountability system.

Four specific measures within the SAM rating system--amounting to over 50% of the total rating--provide little or no differentiation among SAM schools. These four measures include: proficiency rates, 4-year cohort graduation rates, growth in 4-year cohort graduation rates, and growth among the bottom 25 percent of students.

While proposed changes to the SAM rating framework remove some of the problematic measures, other revisions either do not address the issues for SAM schools, or make matters worse for them. The following sections briefly outline the issues with the four problematic measures and how, or whether, the PED's proposed rating changes address the issues. Momentum then provides alternatives to be considered that are used by others and have been found to be more effective at differentiating among SAM schools (or the equivalent) in other states.

1. Proficiency Rates

Few SAM schools meet the standards used for the Current Standing grade, which is heavily weighted by proficiency rates in math and reading, as evidenced in Table 5.

Table 5. Percent of SAM Schools Receiving each Grade on the Current Standing Indicator in 2017-2018.

Indicator	Percent of SAM Schools by Grade Received				
Current Standing	A	B	C	D	F
	0%	3%	8%	8%	69%

As currently written the SAM school target for proficiency rates is 100%, and proficiency rates account for 2/3 of the Current Standing grade. Research, however, demonstrates that among students enrolled

in alternative schools across the country (Ernst, J. 2010, 2016), the average student entering an alternative school as a 10th grader is between 3-4 years behind their same grade peers in reading, math, and language usage. Assuming that New Mexico's SAM schools are serving similar students, even students that succeed in achieving two years' worth of academic skill would not pass an assessment of grade level proficiency. Thus, expecting alternative schools to achieve 100% proficiency in a years' time is an unrealistic goal.

Indeed, Momentum has collected proficiency rate data from states with comparable testing arrangements and publicly available data on alternative schools. Analysis of this data shows **the average alternative school-level proficiency rates as 15 percent in reading and 12 percent in math (See Appendix A).**

The revisions being proposed by the PED do not include any change in the proficiency measures, metrics, benchmarks, and weighting of the measure within the overall framework for SAM schools. We suggest that the PED reduce the number of possible points of the proficiency rate metric for the SAM School Report Card to include no more than 10, to reduce the overall impact of proficiency measures on the SAM Schools' grades.

New Mexico could also consider the proficiency rates of nationally comparable schools (including those presented in Appendix A) to set realistic targets for SAM school proficiency rates.

2. 4-year Cohort Graduation Rates

As currently written, targets for SAM school 4-year cohort graduation rates is 90%. However, New Mexico's SAM schools show an average 4-year grad rate of approximately 35% over a four year period (See Appendix B). Reviewing years of graduation data across hundreds of similar schools, nationally, shows an average 4-year graduation rate of 44%, which is closer to the New Mexico than 90%.

In other words, a rating based on a four-year target of 90% ensures that that SAM schools will perform poorly. Though the addition of the 5 and 6-year cohort rates can help, the decreased point values of students graduating in five or six years do not. As a result of the current grading procedures, SAM schools routinely receive low grades for graduation with only 1 receiving a C or better in 2018. (See Table 6).

Table 6. Percent of SAM Schools Receiving each Grade on the Graduation Rate Indicator in 2017-2018.

Indicator	Percent of SAM Schools by Grade Received				
Graduation Rates	A	B	C	D	F
	0%	3%	3%	19%	72%

Even with the inclusion of the non-cohort senior graduation rate, the PED's proposed revisions do not improve the accuracy of graduation rate measure, as it only proposes to change the possible point values and still devaluates graduations that occur in the 5th or 6th cohort year.

To improve the accuracy of the graduation rate measure, SAM revisions could do the following:

1. Alter the graduation rate targets for SAM Schools to be aligned with national data from other alternative schools across the country (See Appendix B); and

2. Apply even weighting of scores across the 4-, 5-, and 6-year cohorts (e.g., 3 possible points each).

Similarly, the problems with the 4-year cohort rate itself also renders the 4-year cohort growth rate measure ineffective. Without some realignment of the 4-year cohort graduation expectations, the SAM schools are not expected to ever do well on this measure, therefore, we encourage New Mexico to consider:

3. Removing the 4-year grad rate growth measure and replace it with the Non-Senior Cohort Grade Rate (defined by students identified as senior (by credits accrued) as of 40 day count) and weighting this measure more heavily than the individual cohort rates (e.g., 5 points possible).

4. Growth of the Bottom 25% Students

While growth of the top 75% is a measure that shows a nice distribution of grades across the SAM schools, the bottom 25% growth measure does not (Table 7).

Table 7. Percent of SAM Schools Receiving each Grade on the Bottom 25% Growth Indicator in 2017-2018.

Indicator	Percent of SAM Schools by Grade Received				
Bottom 25% Growth	A	B	C	D	F
	3%	0%	11%	6%	69%

It is possible that SAM school enrollment is heavily populated by students within the bottom 25% of the state's performers (as opposed to the bottom 25% of the school's performers), which could be complicating a metric that presupposes a reasonable distribution of students within each school.

In addition, bottom 25% VAM growth is not a metric commonly used in other states for accountability purposes, particularly in states with alternative accountability systems in place. Therefore, there is little, if any comparative data to use for helping to establish informed expectations. However, a number of states are using growth measures based on short-cycle assessments to evaluate the effectiveness of the alternative schools in the state.

Thus, we ask the PED to consider dropping the Bottom 25% Growth measure and replace it with individual student growth data based on growth on approved short-cycle assessments.

As a number of states allow for, or mandate, the use of individual student growth based on nationally normed short cycle assessments, it is likely that there is comparative data available in those states. If that is not the case, Momentum does have alternative school growth norms available for two nationally normed short-cycle assessments currently and hopes to have more available in the future.

In Conclusion

The current SAM rating system is ineffective at differentiating among like schools and, therefore, provides no real opportunity for the public to make an informed decision on whether a SAM school is right for their student—nor do the ratings provide any actionable data upon which the schools can use for purposes of school wide improvement. Several documents are attached to this position statement

that provide more detailed information on the analysis of the SAM ratings over time, as well as a document that outlines proposed revisions to the SAM definition and rating system.

Finally, while the regulations are up for revision the SAM schools have expressed interest in seeing the name of this group of schools changed to reflect the positive support they offer and the potential they see in their students. Opportunity Schools is a name we put forth as a replacement for SAM schools.

Appendix A

Proficiency Rates among Alternative Schools in New Mexico and Other States with Comparable Assessment Criteria²

Average Alternative School Proficiency Rates in States with Few or No Graduation Exam Requirements				
State - Academic Year	# Schools	Reading Average Proficient & Above Rate	# Schools	Math Average Proficient & Above Rate
Arizona- 2015-16	97	14%	113	18%
Arizona- 2016-17	120	10%	117	9%
Arizona- 2017-18	139	16%	137	15%
Colorado - 2013-14	43	34%	43	4%
Colorado - 2014-15	5	15%	1	2%
Colorado - 2015-16	5	17%	3	9%
Colorado - 2016-17	7	19%	4	18%
Colorado - 2017-18	4	17%	0	
New Mexico - 2016-17	34	12%	32	6%
New Mexico - 2017-18	33	8%	34	6%
Utah 2014-15	5	9%	4	8%
Utah 2016-17	2	8%	2	11%
Weighted Average	494	15%	490	12%

² Comparability of assessment criteria was determined by whether states used the passing of state mandated assessments as a requirement for students to graduate from high school. As New Mexico allows districts to utilize alternative means of demonstrating competency for student to receive a diploma, the state's proficiency rates are considered against other states that do not officially require students to pass one or more state required assessments in order to receive a diploma.

Attachment B

Cohort Graduation Rates among Alternative Schools in Various States³

State-Class of	4th-Year Cohort		5th-Year Cohort		6th-Year Cohort	
	# Schools	Grad Rate	# Schools	Grad Rate	# Schools	Grad Rate
AZ- Class of 2012	161	33%	161	40%	-	-
AZ- Class of 2013	147	33%	148	44%	-	-
AZ - Class of 2014	132	35%			-	-
AZ - Class of 2015	122	38%	129	48%	-	-
AZ - Class of 2016	123	42%	123	52%	-	-
CA-Class of 2013	587	42%	-	-	-	-
CA-Class of 2014	624	43%	-	-	-	-
CA-Class of 2015	624	46%	-	-	-	-
CA-Class of 2016	634	49%	-	-	-	-
OH-Class of 2010	-	-	-	-	73	27%
OH-Class of 2011	-	-	73	27%	70	31%
OH-Class of 2012	73	24%	76	31%	73	32%
OH-Class of 2013	76	27%	75	32%	75	35%
OH-Class of 2014	76	25%	76	31%	82	34%
OH-Class of 2015	77	24%	84	31%	-	-
OH-Class of 2016	84	27%	-	-	-	-
NM- Class of 2014	34	32%	34	34%	34	47%
NM - Class of 2015	34	32%	33	40%	35	45%
NM - Class of 2016	33	36%	34	44%	-	-
NM - Class of 2017	33	34%	-	-	-	-
NYC-Class of 2011	18	22%	19	37%	19	44%
NYC-Class of 2012	19	19%	19	35%	22	43%
NYC-Class of 2013	19	20%	22	35%	22	46%
NYC-Class of 2014	22	21%	22	41%	22	50%
NYC-Class of 2015	22	21%	22	41%	-	-
TX-Class of 2011	-	-	183	69%	182	70%
TX-Class of 2012	202	59%	197	69%	210	69%
TX-Class of 2013	212	59%	219	65%	215	66%
TX-Class of 2014	229	56%	220	65%	-	-
TX-Class of 2015	246	57%	220	65%	-	-
Weighted Average	4663	44%	2189	55%	1134	53%

³ The states included in this analysis are those that 1) have a clear definition of alternative schools, 2) had publically available data of graduation rates, and 3) reported cohort grad rates by the class. Other states that report grad rates by the percent of students included in a cohort that year are lower than those reported by class. For example, the average 4-year grad rate for those states (CO, NY, OH, & UT) is 25%, 5-year rate is 31%, and 6-year rate is 34%.