

1 HOUSE BILL 163

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO COMPULSORY SCHOOL ATTENDANCE; DISCOUNTING A  
12 STUDENT'S TEST SCORES FOR A SCHOOL'S GRADE OR A TEACHER  
13 EVALUATION IF THE STUDENT HAS TOO MANY UNEXCUSED ABSENCES.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 22-2E-4 NMSA 1978 (being Laws 2011,  
17 Chapter 10, Section 4, as amended) is amended to read:

18 "22-2E-4. ANNUAL RATINGS--LETTER GRADES--RATINGS BASED ON  
19 STANDARDS-BASED ASSESSMENTS--RIGHT TO SCHOOL CHOICE--DISTANCE  
20 LEARNING--RESPONSIBILITY FOR COST--USE OF FUNDS--ADDITIONAL  
21 REMEDY.--

22 A. All public schools shall be graded annually by  
23 the department.

24 B. Except as otherwise provided in this section,  
25 the department shall assign a letter grade of A, B, C, D or F

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1 to each public school pursuant to criteria established by  
2 department rules, after input from the secretary's  
3 superintendents' council, that include as a minimum a  
4 combination of the following factors in a public school's  
5 grade:

6 (1) for elementary and middle schools:

7 (a) student proficiency, including  
8 achievement on the New Mexico standards-based assessments;

9 (b) student growth in reading and  
10 mathematics; [~~and~~]

11 (c) growth of the lowest twenty-fifth  
12 percentile of students in the public school in reading and  
13 mathematics; and

14 (d) student unexcused absences; and

15 (2) for high schools:

16 (a) student proficiency, including  
17 achievement on the New Mexico standards-based assessments;

18 (b) student growth in reading and  
19 mathematics;

20 (c) growth of the lowest twenty-fifth  
21 percentile of students in the high school in reading and  
22 mathematics; [~~and~~]

23 (d) additional academic indicators such  
24 as high school graduation rates, growth in high school  
25 graduation rates, advanced placement and international

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1 baccalaureate courses, dual enrollment courses and SAT and ACT  
2 scores; and

3 (e) student unexcused absences.

4 C. The New Mexico standards-based assessments used  
5 for rating a public school are those administered annually to  
6 students in grades three, four, five, six, seven, eight, nine  
7 and eleven pursuant to Section 22-2C-4 NMSA 1978.

8 D. A public school that actively enforces the  
9 provisions of the Compulsory School Attendance Law within the  
10 limits of its resources shall not be graded on the results of  
11 standards-based assessments of students who had eight or more  
12 unexcused absences in the school year.

13 [~~D-~~] E. In addition to any rights a parent may have  
14 pursuant to federal law, the parent of a student enrolled in a  
15 public school rated F for two of the last four years has the  
16 right to transfer the student in the same grade to any public  
17 school in the state not rated F or the right to have the  
18 student continue schooling by means of distance learning  
19 offered through the statewide or a local cyber academy. The  
20 school district or charter school in which the student is  
21 enrolled is responsible for the cost of distance learning.

22 [~~E-~~] F. The department shall ensure that a local  
23 school board or, for a charter school, the governing body of  
24 the charter school is prioritizing resources of a public school  
25 rated D or F toward proven programs and methods linked to

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1 improved student achievement until the public school earns a  
2 grade of C or better for two consecutive years.

3 ~~[F-]~~ G. The school options available pursuant to  
4 the A-B-C-D-F Schools Rating Act are in addition to any  
5 remedies provided for in the Assessment and Accountability Act  
6 for students in schools in need of improvement or any other  
7 interventions prescribed by the federal No Child Left Behind  
8 Act of 2001.

9 ~~[G-]~~ H. When reporting a school's grade, the  
10 department shall include student data disaggregated by  
11 ethnicity, race, limited English proficiency, students with  
12 disabilities, poverty and gender; provided that ethnicity and  
13 race shall be reported using the following categories:

- 14 (1) Caucasian, non-Hispanic;
- 15 (2) Hispanic;
- 16 (3) African American;
- 17 (4) American Indian or Alaska Native;
- 18 (5) Native Hawaiian or other Pacific Islander;
- 19 (6) Asian;
- 20 (7) two or more races; and
- 21 (8) other; provided that if the sample of

22 students in any category enumerated in Paragraphs (1) through  
23 (7) of this subsection is so small that a student in the sample  
24 may be personally identifiable in violation of the federal  
25 Family Educational Rights and Privacy Act of 1974, the report

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1 may combine that sample into the "other" category."

2 SECTION 2. A new section of the School Personnel Act is  
3 enacted to read:

4 "[NEW MATERIAL] TEACHER EVALUATIONS--STUDENTS WITH  
5 UNEXCUSED ABSENCES--TEST SCORES NOT CONSIDERED.--A teacher's  
6 evaluation shall not include the standards-based assessment or  
7 end-of-course examination scores of a student who has had eight  
8 or more unexcused absences in the school year or four or more  
9 unexcused absences in a semester."

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