

# **New Mexico State Department of Education**

## **Consolidated State Application Accountability Workbook**

**for State Grants under Title IX, Part C, Section 9302 of the Elementary and  
Secondary Education Act (Public Law 107-110)**

**DUE: JANUARY 31, 2003**



**U. S. Department of Education  
Office of Elementary and Secondary Education  
Washington, D.C. 20202**

# **Instructions for Completing Consolidated State Application Accountability Workbook**

By January 31, 2003, States must complete and submit to the Department this Consolidated State Application Accountability Workbook. We understand that some of the critical elements for the key principles may still be under consideration and may not yet be final State policy by the January 31 due date. States that do not have final approval for some of these elements or that have not finalized a decision on these elements by January 31 should, when completing the Workbook, indicate the status of each element which is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

## **Transmittal Instructions**

To expedite the receipt of this Consolidated State Application Accountability Workbook, please send your submission via the Internet as a .doc file, pdf file, rtf or .txt file or provide the URL for the site where your submission is posted on the Internet. Send electronic submissions to [conapp@ed.gov](mailto:conapp@ed.gov).

A State that submits only a paper submission should mail the submission by express courier to:

Celia Sims  
U.S. Department of Education  
400 Maryland Ave., SW  
Room 3W300  
Washington, D.C. 20202-6400  
(202) 401-0113

## PART I: Summary of Required Elements for State Accountability Systems

### Instructions

**The following chart is an overview of States' implementation of the critical elements required for approval of their State accountability systems. States must provide detailed implementation information for each of these elements in Part II of this Consolidated State Application Accountability Workbook.**

**For each of the elements listed in the following chart, States should indicate the current implementation status in their State using the following legend:**

- F: State has a final policy, approved by all the required entities in the State (e.g., State Board of Education, State Legislature), for implementing this element in its accountability system.**
- P: State has a proposed policy for implementing this element in its accountability system, but must still receive approval by required entities in the State (e.g., State Board of Education, State Legislature).**
- W: State is still working on formulating a policy to implement this element in its accountability system.**

Summary of Implementation Status for Required Elements of  
State Accountability Systems

Status	State Accountability System Element	
<b>Principle 1: All Schools</b>		
F	1.1	Accountability system includes <i>all schools and districts in the state</i> .
F	1.2	Accountability system holds <i>all schools to the same criteria</i> .
F	1.3	Accountability system incorporates the <i>academic achievement standards</i> .
P	1.4	Accountability system provides <i>information in a timely manner</i> .
F	1.5	Accountability system includes <i>report cards</i> .
F	1.6	Accountability system includes <i>rewards and sanctions</i> .
<b>Principle 2: All Students</b>		
F	2.1	The accountability system includes <i>all students</i>
F	2.2	The accountability system has a consistent definition of <i>full academic year</i> .
P	2.3	The accountability system properly includes <i>mobile students</i> .
<b>Principle 3: Method of AYP Determinations</b>		
F	3.1	Accountability system expects <i>all student subgroups, public schools, and LEAs to reach proficiency by 2013-14</i> .
P	3.2	Accountability system has a method for determining whether <i>student subgroups, public schools, and LEAs made adequate yearly progress</i> .
P	3.2a	Accountability system establishes a <i>starting point</i> .
P	3.2b	Accountability system establishes <i>statewide annual measurable objectives</i> .
P	3.2c	Accountability system establishes <i>intermediate goals</i> .
<b>Principle 4: Annual Decisions</b>		
P	4.1	The accountability system <i>determines annually the progress</i> of schools and districts.

**STATUS Legend:**

F – Final state policy

P – Proposed policy, awaiting State approval

W – Working to formulate policy

**Principle 5: Subgroup Accountability**

P	5.1	The accountability system <i>includes all the required student subgroups</i> .
P	5.2	The accountability system holds <i>schools and LEAs accountable for the progress of student subgroups</i> .
F	5.3	The accountability system includes <i>students with disabilities</i> .
F	5.4	The accountability system includes <i>limited English proficient students</i> .
F	5.5	The State has determined the minimum number of students sufficient to yield statistically reliable information for each purpose for which disaggregated data are used.
F	5.6	The State has strategies to protect the privacy of individual students in reporting achievement results and in determining whether schools and LEAs are making adequate yearly progress on the basis of disaggregated subgroups.

**Principle 6: Based on Academic Assessments**

F	6.1	Accountability system is based <i>primarily on academic assessments</i> .
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**Principle 7: Additional Indicators**

P	7.1	Accountability system includes <i>graduation rate for high schools</i> .
F	7.2	Accountability system includes an <i>additional academic indicator for elementary and middle schools</i> .
F	7.3	Additional indicators are valid and reliable.

**Principle 8: Separate Decisions for Reading/Language Arts and Mathematics**

P	8.1	Accountability system holds students, schools and districts separately accountable for <i>reading/language arts and mathematics</i> .
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**Principle 9: System Validity and Reliability**

F	9.1	Accountability system produces <i>reliable decisions</i> .
F	9.2	Accountability system produces <i>valid decisions</i> .
F	9.3	State has a plan for addressing <i>changes in assessment and student population</i> .

**Principle 10: Participation Rate**

F	10.1	Accountability system has a means for calculating the <i>rate of participation</i> in the statewide assessment.
F	10.2	Accountability system has a means for <i>applying the 95% assessment criteria to student subgroups and small schools</i> .

**STATUS Legend:**

- F – Final policy
- P – Proposed Policy, awaiting State approval
- W– Working to formulate policy

## **PART II: State Response and Activities for Meeting State Accountability System Requirements**

### Instructions

In Part II of this Workbook, States are to provide detailed information for each of the critical elements required for State accountability systems. States should answer the questions asked about each of the critical elements in the State's accountability system. States that do not have final approval for any of these elements or that have not finalized a decision on these elements by January 31, 2003, should, when completing this section of the Workbook, indicate the status of each element that is not yet official State policy and provide the anticipated date by which the proposed policy will become effective. In each of these cases, States must include a timeline of steps to complete to ensure that such elements are in place by May 1, 2003, and implemented during the 2002-2003 school year. By no later than May 1, 2003, States must submit to the Department final information for all sections of the Consolidated State Application Accountability Workbook.

**PRINCIPLE 1.**

**A single statewide Accountability System applied to all public schools and LEAs.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.1 How does the State Accountability System include every public school and LEA in the State?</p>	<p>Every public school and LEA is required to make adequate yearly progress and is included in the State Accountability System.</p> <p>State has a definition of “public school” and “LEA” for AYP accountability purposes.</p> <ul style="list-style-type: none"> <li>• The State Accountability System produces AYP decisions for all public schools, including public schools with variant grade configurations (e.g., K-12), public schools that serve special populations (e.g., alternative public schools, juvenile institutions, state public schools for the blind) and public charter schools. It also holds accountable public schools with no grades assessed (e.g., K-2).</li> </ul>	<p>A public school or LEA is not required to make adequate yearly progress and is not included in the State Accountability System.</p> <p>State policy systematically excludes certain public schools and/or LEAs.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

**INTRODUCTION**

The New Mexico State Department of Education (SDE), under the guidance of the New Mexico State Board of Education (SBE), has developed multiple, clear, concise, and consistent policies with regard to its current accountability system. The response to this question will proceed within the following format:

- how the current system is defined and operates, and;
- proposal for future system based on No Child Left Behind requirements.

It is the intent of the document to describe the New Mexico State Accountability System as it currently exists, and how it will facilitate accountability decisions, and AYP decisions, for all public schools and school districts, including public schools with variant grade configurations (e.g., K-12), public schools that serve special populations (e.g., alternative public schools, juvenile institutions, state public schools for the visually impaired) and public charter schools.

The system will also hold accountable public schools where grades are not currently assessed (e.g., K-2). New Mexico is currently implementing the Transitional Reading test, and will implement DIBELS in the fall of 2003. Once school and district level DIBELS data are gathered statewide, the NMSDE will engage in building a validity and reliability study to ensure alignment with state standards and school rating predictability.

The current New Mexico State Accountability system is described in New Mexico Statutes, NMSA 1978 Chapters 22 and 22A which govern the operations of New Mexico schools and in State Board of Education Regulation, NMAC Title 6, Chapter 19, parts 1 and 2, which set the guidelines and procedures for the operation of the system.

All the 758 public schools in New Mexico receive public funds. Each public school in New Mexico is assigned a separate identification code. Of these schools, 533 public schools from 88 of the 89 school districts receive Title I funds. Additionally, 227 public schools do not receive Title I funds. Each of the 89 school districts has a separate district identification code. Alternative schools (state supported residential schools, including the School for the Visually Impaired, New Mexico School for the Deaf, Mimbres School—Children’s Psychiatric Center and the Juvenile Detention Facilities) have separate district codes. Charter schools have the same district code from the district in which they are located and a separate school code. Small schools and K-2 schools are assigned school and district codes from the district in which they are located. All school and district codes are the same for accountability and student data management purposes.

Currently, in New Mexico, there are 23 schools that contain some configuration of grades kindergarten through 2<sup>nd</sup>. These schools do not earn data points based on assessments and therefore have not been rated. However, there exist several means to rate these schools immediately. One solution is to establish base-line data with a state-wide reading assessment in 2003-2004 and calculate AYP from that point on. However the adoption and implementation of an assessment will take some time as is explained in this document. The best solution, at this time, is to assign the grade 3 data from the primary feeder schools “backwards” for the next two years based first on the NRT and then on the CRT and AYP. Once data have been established for all grades in all schools, then New Mexico will be able to move forward completely with AYP. (Exhibit 30)

## **CURRENT SYSTEM**

The following terms, concepts, and processes are from both regulation and statute as they apply to the current accountability system: (Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15).

1. Public School: A public school is defined as that part of a school district that is a single attendance center where instruction is offered by a certified school instructor or group of certified instructors and is discernable as a building or group of buildings generally recognized as either an elementary, secondary, junior high or high school or any combination thereof [Section 22-1-2.M NMSA 1978]. (Exhibit 1)
2. Charter School: A conversion school or start-up school within a school district authorized by the local school board to operate as a charter school.
3. District means a public school district or a charter school district.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.2 How are all public schools and LEAs held to the same criteria when making an AYP determination?	<p>All public schools and LEAs are systematically judged on the basis of the same criteria when making an AYP determination.</p> <p>If applicable, the AYP definition is integrated into the State Accountability System.</p>	Some public schools and LEAs are systematically judged on the basis of alternate criteria when making an AYP determination.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

All public schools and school districts are being held to the same criteria. New Mexico is committed to maintaining a single accountability system that includes all requirements of NCLB. The current policies, regulations and state laws are designed for an accountability system that is based on a norm-referenced test model. The tests are administered in grades 3 through 9 and a high school competency exam is given beginning at grade 10 in both the English and Spanish Languages, with accommodations for English language learners and special needs students. Alternative tests are included for certain special needs students. In addition, the DIBELS reading assessment is being piloted in grades kindergarten through 3 with the intent to have this test in place in all New Mexico schools by school year 2003-2004. This is a standards-based, criterion-referenced test designed to inform instruction and provide consistent and reliable information about the progress of students toward the goal that all students become proficient readers. Once school and district level DIBELS data are gathered statewide, the NMSDE will engage in building a validity and reliability study to ensure alignment with state standards and school rating predictability. A CRT is being developed in grades 4, 8, and 11 and will be used in the accountability system starting 2002-03. (Exhibits 4, 11, & 12)

Currently, in New Mexico, there are 23 schools that contain some configuration of grades kindergarten through 2<sup>nd</sup>. These schools do not earn data points based on assessments and therefore have not been rated. However, there exist several means to rate these schools immediately. One solution is to establish base-line data with a state-wide reading assessment in 2003-2004 and calculate AYP from that point on. However the adoption and implementation of an assessment will take some time as is explained in this document. The best solution, at this time, is to assign the grade 3 data from the primary feeder schools “backwards” for the next two years based first on the NRT and then on the CRT and AYP. Once data have been established for all grades in all schools, then New Mexico will be able to move forward completely with AYP. (Exhibit 30)

**NEW MEXICO STATE DEPARTMENT OF EDUCATION  
ACCOUNTABILITY SERVICES  
AYP TIMELINE**

Elements	2001-02	2002-03	2003-04	2004-05
<b>Assessment and Period</b>	<ul style="list-style-type: none"> <li>• NRT grades 3 through 9</li> <li>• Academic achievement standards to be developed</li> </ul>	<ul style="list-style-type: none"> <li>• Spring CRT grades 4 and 8 (English)</li> <li>• NRT in grades 3 through 9 and High School Competency Examination (English and Spanish)</li> <li>• Field test grade 11 CRT</li> <li>• Academic achievement standards set Fall, 2003, for grades 4, 8, and Winter, 2003 for grade 11</li> </ul>	<ul style="list-style-type: none"> <li>• CRT at grades 4 and 8 (English)</li> <li>• NRT at grades 3,5,6,7,9 (English and Spanish)</li> <li>• Fall CRT at grade 11</li> <li>• Academic achievement standards implemented</li> </ul>	<ul style="list-style-type: none"> <li>• CRT grades 3 through 9 &amp; 11 (English and Spanish)</li> <li>• Develop academic achievement standards grades 3,5,6,7 and 9</li> </ul>
<b>Accountability System applied to all schools and school districts in New Mexico</b>	<ul style="list-style-type: none"> <li>• Current accountability system</li> </ul>	<ul style="list-style-type: none"> <li>• Calculate starting point for grades 4, 8, 11 in winter, 2003; separately in math and language arts (CRT/AYP)</li> <li>• Current accountability system applied to disaggregated categories grades 3-9 (Reported v. Used)</li> <li>• 95% participation applied to all groups and subgroups</li> </ul>	<ul style="list-style-type: none"> <li>• AYP applied to grades 4, 8, and 11 (CRT)</li> <li>• Schools must meet AYP. AYP supercedes all NRT scores.</li> <li>• Old accountability system applied to 3, 5, 6, 7, 9 (NRT)</li> <li>• Disaggregated categories applied to both systems for assessments</li> <li>• 95% participation applied to both systems for all groups and subgroups</li> </ul>	<ul style="list-style-type: none"> <li>• AYP fully implemented according to NCLB using data from grades 4,8 and 11</li> <li>• Calculate starting point for the state using data from grades 3 – 9 separately for all subject areas assessed.</li> <li>• 95% participation applied to both systems for all groups and subgroups</li> </ul>
<b>Identification of School and School District Improvement</b>	<ul style="list-style-type: none"> <li>• Ratings by October</li> </ul>	<ul style="list-style-type: none"> <li>• Ratings by August 1 for schools and districts for SY 03-04</li> </ul>	<ul style="list-style-type: none"> <li>• Ratings by August 1 for schools and districts for SY 04-05</li> </ul>	<ul style="list-style-type: none"> <li>• Ratings by August 1 for schools and districts for SY 05-06</li> </ul>
<b>School Improvement Sanctions and Rewards</b>	<ul style="list-style-type: none"> <li>• School choice and supplemental services</li> <li>• High Improving Schools rewards</li> <li>• Corrective Action</li> </ul>	<ul style="list-style-type: none"> <li>• School choice and supplemental services by 1<sup>st</sup> day of school</li> <li>• High Improving Schools rewards</li> <li>• Corrective Action</li> </ul>	<ul style="list-style-type: none"> <li>• School choice and supplemental services by 1<sup>st</sup> day of school</li> <li>• High Improving Schools rewards</li> <li>• Corrective Action</li> </ul>	<ul style="list-style-type: none"> <li>• School choice and supplemental services by 1<sup>st</sup> day of school</li> <li>• High Improving Schools rewards</li> <li>• Corrective Action</li> </ul>
<b>National Assessment of Educational Progress (NAEP)</b>	<ul style="list-style-type: none"> <li>• Schools and school districts must give the NAEP if chosen to do so.</li> </ul>	<ul style="list-style-type: none"> <li>• Schools and school districts must give the NAEP if chosen to do so.</li> </ul>	<ul style="list-style-type: none"> <li>• Schools and school districts must give the NAEP if chosen to do so.</li> </ul>	<ul style="list-style-type: none"> <li>• Schools and school districts must give the NAEP if chosen to do so.</li> </ul>

The current accountability system is based on data points awarded for whole group performance in the areas of reading, language arts, math, science, and social studies in English, and reading, language arts and math in Spanish. The data points are awarded based on a status and growth model with attendance rates for all schools and dropout rates for secondary schools included in the system. School ratings and subsequent intervention by the SDE are based on total percentages of data points earned, with 50% of data points in *probation* as the point at which schools are rated and placed in school improvement and considered for corrective action. Schools may be rated as:

- **“Exemplary”** means a district/school rating on the five statewide indicators demonstrating that the school/district has at least 50% of its data points in *exemplary* and 0% of its data points in *probationary*.
- **“Exceeds Standards”** means a district/school rating on the five statewide indicators demonstrating that the school/district has at least 50% of its data points in *exceeds standards* or higher, allowing the greater of up to 5% or one (1) *probationary* data point;
- **“Meets Standards”** means a district/school rating on the five statewide indicators demonstrating that the district/school has more than 50% of all data points in *meets standards* or higher;
- **“Probationary”** means a district/school rating on the five statewide indicators demonstrating that the district/school has 50% or more of all data points in *probationary*.  
After a school is rated probationary, it receives one of four designations:

- Year 1, performance-warned
- Year 2, school improvement year 1,
- Year 3, school improvement year 2, or
- Year 4, corrective action.

(Exhibits 4,11,12,13,14,15,16)

The school improvement process is specific and increasingly stringent. The following chart depicts the number of schools, by school year, in the various accountability ratings. Additionally this chart illustrates New Mexico’s commitment to making sure that all public schools participate in the accountability system by continuing to add such schools as charter schools etc.

	Number of schools rated	Number of <i>probationary</i> schools	Number of <i>meets standards</i> schools	Number of <i>exceeds standards</i> schools	Number of <i>exemplary</i> schools	Number of schools entering <i>corrective action</i>
2000 - 2001	652	163	399	53	37	--
2001- 2002	675	94	404	116	61	--
2002- 2003	682	129	436	82	35	14

New Mexico has seven (7) schools which have remained *exemplary* for the last three years. At present, there are 31 schools that are new *performance-warned* schools, 27 *school improvement year 1* schools, 57 *school improvement year 2* schools, and 15 schools are in *extended school improvement*.

In January 2003, the SDE, under the guidance of the New Mexico State Board of Education, will release a Request for Proposals for the development of new standards-based, criterion-referenced assessments in

grades 3 through 9, to be administered for the first time during school year 2004-2005. Using school year 2004-2005 as the initiation date of the criterion-referenced assessment system will allow for complete transition from the norm-referenced assessment system to a valid, reliable, and accurate criterion-referenced assessment system. It will also provide eighteen months for the development of the new criterion-referenced assessments, and will enable New Mexico to meet the timeline waiver for the 1994 assessment requirements. (Exhibit 14)

In school year 2002-2003, New Mexico will use existing norm-referenced assessments provided by the currently-contracted testing company in grades 3 through 9; criterion-referenced assessments in grades 4 and 8, also provided by with the currently-contracted testing company; and a piloted, CRT for grade 11, provided by a separate testing company. In school year 2003-2004, New Mexico will rate schools based on scores from NRTs for grades 3, 5, 6, 7, and 9, and scores from CRTs in grades 4, 8, and 11. . In 2003-2004 New Mexico will continue to use the existing norm-referenced assessments in grade 3, 5, 6, 7, and 9 with the present accountability system implemented for these grades. However, if schools do not make AYP in grades 4, 8, and 11, they will be placed in the school improvement cycle. In school year 2003-2004, New Mexico will implement an entirely new CRT-based system to calculate AYP. (Exhibits 14 & 15)

Because school year 2002-2003 is the first time schools in New Mexico will be administering criterion-referenced, standards-based assessments, much work remains to develop appropriate data from which to make decisions. New Mexico does not anticipate having accurate, reliable, and purposeful information about these assessments until November or December 2003. This is far too long to wait to rate schools. Transition to a criterion-referenced, standards-based system will include the starting points in grades 4, 8, and 11 in school year 2003-2004, at which point it will be possible to calculate the starting points of AYP for New Mexico. (Exhibits 14 & 15)

Beginning with the 2003-2004 school year, New Mexico will implement the grade 4, 8, and 11 AYP process as specified under law. That cannot be accomplished until clear, accurate, and definitive data are obtained, reviewed, and analyzed, based on the first administration for these assessments in school year 2002-2003. At this point, there will be two years of data, and calculated starting points, for grades 4, 8, and 11. It will then be possible to calculate AYP for all students in these grades. (Exhibit 14 & 15) In 2003-2004 New Mexico will continue to use the existing norm-referenced assessments in grade 3 through 9 with the present accountability system implemented for these grades.

In school year 2004-2005, New Mexico will implement the entire criterion-referenced, standards-based assessment system based on AYP calculations in grades 3 through 9; and the grade 11 criterion-referenced assessment. The NRT will no longer be a part of New Mexico's accountability system. (Exhibits 4, 11, 12, 13, 14, 15, 16, & 17)

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.3 Does the State have, at a minimum, a definition of <i>basic</i>, <i>proficient</i> and <i>advanced</i> student achievement levels in reading/language arts and mathematics?</p>	<p>State has defined three levels of student achievement: <i>basic</i>, <i>proficient</i> and <i>advanced</i>.<sup>1</sup></p> <p>Student achievement levels of <i>proficient</i> and <i>advanced</i> determine how well students are mastering the materials in the State's academic content standards; and the <i>basic</i> level of achievement provides complete information about the progress of lower-achieving students toward mastering the <i>proficient</i> and <i>advanced</i> levels.</p>	<p>Standards do not meet the legislated requirements.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

In preparing for the implementation of the CRTs at grades 4, 8, and 11, SDE conducted performance level descriptor writing sessions facilitated by Appalachian Education Labs (AEL) in October 2002. These sessions included teachers and other interested parties from around the state as well as SDE staff. From these sessions, using the four-level descriptor method, “New Mexico Performance Descriptors for Language Arts and Mathematics” were developed (following section). These results are to be used with the new CRTS in grades 4, 8, and 11, and with the entire new CRT system when first administered in school year 2003-2004. Through this work New Mexico established four levels of student proficiency: Beginning Proficiency, Nearing Proficient, Proficient and Advanced. It is anticipated and expected that there will be further changes and modifications to the accountability system over time. It should be noted that NMSDE does not permit out of level testing under any circumstances. (Exhibit 18)

The NMSDE fully expects that students with disabilities who receive special education services will participate in the statewide assessment program in one of the three following ways:

- Statewide standardized assessment
- Statewide standardized assessment with accommodations
- New Mexico Alternate Assessment

The NMSDE has issued guidance to school districts regarding allowable accommodations. In addition, the NMSDE has published and made available to districts a technical assistance manual on how to develop quality Individualized Education Programs (IEPs). This document assists IEP teams, including parents, in understanding the options for participation in the statewide assessment program.

Those students with disabilities that participate in the assessment, either with or without accommodations, will be held to the same achievement and accountability standards as their non-disabled peers. As indicated in Section 1.3 of this document, the SDE developed the *New Mexico*

*Performance Descriptors for Language Arts and Mathematics.* These performance descriptors have been developed specifically for the new criterion-referenced tests (CRTs) in grades 4, 8, and 11.

Should the percent of students participating in the New Mexico Alternate Assessment exceed 1.0% of the total student population in a school, district, or the state, that excess percentage of students will be held to the general achievement standards. This would likely place those students at the lowest level of proficiency on the general assessments (Beginning Proficiency) given the significant nature of their disabilities.

Currently, the NMSDE is working toward meeting all requirements related to the assessment of students with disabilities, as well as the public reporting of test results for all students with disabilities. While proficiency levels have been established for the New Mexico Alternate Assessment, the development of technically sound student, school, and district reports is in the process of being completed. The NMSDE must meet all testing and reporting requirements by the deadline of May 30, 2003, which was established by the Office of Special Education Programs (OSEP). As the performance standards are developed and refined in relation to the alternative assessment, SDE will demonstrate how those performance standards are related to the performance standards of students without disabilities on the regular assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.4 How does the State provide accountability and adequate yearly progress decisions and information in a timely manner?</p>	<p>State provides decisions about adequate yearly progress in time for LEAs to implement the required provisions before the beginning of the next academic year.</p> <p>State allows enough time to notify parents about public school choice or supplemental educational service options, time for parents to make an informed decision, and time to implement public school choice and supplemental educational services.</p>	<p>Timeline does not provide sufficient time for LEAs to fulfill their responsibilities before the beginning of the next academic year.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

The testing contractor will have all data back to schools to review and validate by the beginning of May of each year. Data will be returned to the SDE from the present contractor by July 1, following each testing period. The SDE will provide schools with ratings and data by August 1. This will allow two weeks, at the school level, to further validate data and prepare any response deemed necessary prior to the start of school (about the second week in August of each new school year). Assessment contracts have been reviewed with each contractor and dates have been set that support these timelines. The issue of timeliness has been addressed in the transition to the new testing system over the next few years. The new Request for Proposals requires all data due to the state by July 1, following each testing period.

Both the transition period and the new system provide time for districts and schools to notify parents about public school choice or supplemental educational service options and time for parents to make informed decisions concerning public school choice and supplemental educational services. These timelines also provide sufficient time for the state to identify school improvement schools and corrective action schools and to initiate the process for implementing technical assistance and support services.

Policies have been revised and prepared that will assist in the ratings appeals process [6.19.1.9 E NMAC]: A school that receives an overall rating of probationary for a first or second time and will enter either the performance-warned or the first year of school improvement categories, may appeal the rating to the Educational Standards Commission. The appeal must be made to the State Superintendent of Public Instruction (“State Superintendent”) in writing within twenty days of the school’s receipt of official notice of the school rating. The State Superintendent will designate staff to coordinate and process the appeal. If the Educational Standards Commission determines that additional data substantiates the appeal, a recommendation from the Educational Standards Commission that the school should be rated Meets Standards will be forwarded to the State Board of Education. The Educational Standards Commission will make the recommendation, based on findings of fact, to the State Board of Education. The State Board of Education will have final approval of the possible change of a school’s rating from probationary to meets standards. This process will apply to the current system as well as the fully implemented AYP system as required by NCLB. (Exhibit 4)

Currently, the NMSDE data management system relies upon district-assigned student identification numbers. This practice tends to cause duplication and confusion; however, the NMSDE statistician and an externally contracted statistician match every assessment data entry by name, student ID number and date of birth. During the recently completed legislative session (2003), the New Mexico Legislature appropriated funds for the development and implementation of a statewide, unique student identification system. When implemented, the NMSDE will be able to match assessment and student data management systems to determine attendance, enrollment, participation, etc. The statewide student identification system will ensure validity and reliability through an ongoing audit process.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
1.5 Does the State Accountability System produce an annual State Report Card?	<p>The State Report Card includes all the required data elements [see Appendix A for the list of required data elements].</p> <p>The State Report Card is available to the public at the beginning of the academic year.</p> <p>The State Report Card is accessible in languages of major populations in the State, to the extent possible.</p> <p>Assessment results and other academic indicators (including graduation rates) are reported by student subgroups</p>	<p>The State Report Card does not include all the required data elements.</p> <p>The State Report Card is not available to the public.</p>
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

In New Mexico, a fully developed reporting system exists for schools and school districts. Data are reported by academic achievement standards for all required disaggregated groups. The state report card is distributed to schools and school district representatives, legislators, and other interested parties. In addition, this report is posted on the NMSDE website.

In school year 2001-2002, and following years, the SDE instituted practices for the reporting of the following information for compliance with federal regulation. These data will be combined and modified where necessary to accommodate the new requirements of the United States Department of Education. Data will include:

1. Information, in the aggregate, on student achievement at each proficiency level on the State academic assessments (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged, except that such disaggregation shall not be required in a case in which the results would reveal personally identifiable information about an individual student).
2. Information that provides a comparison between the actual achievement levels of each student subgroup and the State's annual measurable objectives for each group of students on each of the academic assessments.
3. The percentage of students not tested (disaggregated by the student subgroups), except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.
4. The most recent 2-year trend in student achievement in each subject area, and for each grade level, for the required assessments.

5. Aggregate information on all other indicators used by the State to determine the adequate yearly progress of students in achieving State academic achievement standards disaggregated by student subgroups.
6. Graduation rates for secondary school students disaggregated by student subgroups.
7. Information on the performance of schools and school districts in the State regarding making adequate yearly progress, including the number and names of each school identified for school improvement under Section 1116.
8. The professional qualifications of teachers in the State, the percentage of such teachers teaching with emergency or provisional credentials, and the percentage of classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty. (Exhibits 2, & 19)

**The current state accountability report contains:**

- Standardized testing by grade and gender and subtest
- Standardized testing by Special Education (accommodated and standard administration)
- Graduation rates and graduates applying to post secondary institutions
- Dropout rates by ethnicity and gender
- Parent and community involvement
- School safety
- Advanced placement participation
- Enrollment by ethnicity
- Average teacher salaries
- Percentage of district budget spent on district salaries by employee codes
- Average expenditures per students
- Federal programs funding
- State funding for special education programs

**NMSDE will include the following data in 2002-2003 and future accountability reports:**

- Disaggregation of accountability indicators by all required subgroups
- Professional qualifications of teachers
- Two year trend data by required subgroups
- Participation rates in statewide assessments by groups and subgroups
- AYP data by groups and subgroups
- Graduation rates disaggregated by groups and subgroups

The NMSDE Office of Public Information, Public Information Officer will serve as a proactive resource to internal and external audiences with regard to the NSMDE Report Card as well as student achievement and the New Mexico Accountability System. In addition, this office will assist in public understanding and awareness regarding the implementation of the No Child Left Behind legislation and Adequate Yearly Progress in New Mexico public schools.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
1.6 How does the State Accountability System include rewards and sanctions for public schools and LEAs? <sup>2</sup>	State uses one or more types of rewards and sanctions, where the criteria are: <ul style="list-style-type: none"> <li>• Set by the State;</li> <li>• Based on adequate yearly progress decisions; and,</li> <li>• Applied uniformly across public schools and LEAs.</li> </ul>	State does not implement rewards or sanctions for public schools and LEAs based on adequate yearly progress.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

The NMSDE is responsible for continuing to hold schools accountable for the academic achievement of children. In 2003-2004, we will use the current accountability system because NRT data are available for grades 3 through 9 and the New Mexico High School Competency Examination. During the 2003-2004 school year, NMSDE will meet the federal timeline waiver by developing and administering a CRT in grades 4, 8, and 11 for which data will not be available until winter 2003. In 2003-2004, the NMSDE will have data from which AYP decisions will be made for grades 4, 8, and 11. However, NMSDE will not have CRT data available for grades 3, 5, 6, 7, and 9 in the 2003-2004 school year. NMSDE will utilize NRT data for these grades. A combination of the old and new accountability systems will be applied to schools during the 2003-2004 school year ensuring that decisions will be based on AYP for the purposes of assigning schools to school improvement. . In 2003-2004 New Mexico will continue to use the existing norm-referenced assessments in grade 3, 5, 6, 7, and 9 with the present accountability system implemented for these grades. However, if schools do not make AYP in grades 4, 8, and 11, they will be placed in the school improvement cycle. NMSDE has issued a Request for Proposals for the development of Criterion Referenced Assessments in grades 3 though 9 to be developed 18 months from the date of release. In 2004-2005 all schools will be assigned ratings based on AYP. Once CRTs are implemented in any grade it will be expected that the grade within the school/district will make AYP. If this does not occur the school will be assigned to school improvement status. NMSDE will assure that AYP decisions will be based on utilizing the current accountability system with NRTs in 2002-03 and in 2003-04, SDE will disaggregate according to required subgroups. In 2003-04 using the CRTs, SDE will continue the process.

The following regulation is in place and provides for the sanctions and processes that ensure that schools entering school improvement/corrective action are provided with support and technical assistance. [NMAC 6.19.2] (Exhibits 4,11,12, 16, 20, 24)

New Mexico has a system of Rewards and Sanctions that applies to all schools and school districts. Title I sanctions as required by Section 1116 are being applied, including choice, supplemental services, and corrective action.

### KEY

<b>Performance Warned</b>	<b>1<sup>st</sup> year of not making AYP</b>
<b>School Improvement 1</b>	<b>2<sup>nd</sup> year of not making AYP</b>
<b>School Improvement 2</b>	<b>3<sup>rd</sup> year of not making AYP</b>
<b>Corrective Action</b>	<b>4<sup>th</sup> year of not making AYP</b>

### CURRENT SANCTIONS:

#### PERFORMANCE WARNED AND SCHOOL IMPROVEMENT SCHOOLS

- A. A school will be designated as “performance warned” the first time it is rated probationary. A school that is performance warned is required to conduct an analysis of its systems and design a plan to address the needs of the students and the school.
- B. The second time a school is rated probationary within a three-year period it becomes a school improvement school. A school that is in school improvement shall analyze its systems, refine its plan and the planning processes, address the academic needs of students, provide for necessary professional development, and accept technical assistance from the SDE.
- C. A school that continues to rate probationary and remains in school improvement for two school years without improving its rating to “meets standards” or higher is subject to corrective action; provided, however, that upon meeting one of the following requirements, a school will continue in school improvement for an additional year:
  - (1) when growth data are available and the school demonstrates an increase in assessment results. This is determined by achieving an average of 1.25 times typical growth per year (or better). This must occur in a minimum of three out of five subject areas. There must not be any growth below typical growth in year 2 or 3 in any of the three subject areas; or
  - (2) when no growth data are available and when the school demonstrates an increase in assessment results. This is determined by scoring two standard deviations or more above the score obtained the first time it is rated probationary in any three (3) out of five (5) subject areas.

#### CORRECTIVE ACTION SCHOOLS

- A. A school that rates probationary, as described in 6.19.1 NMAC, for two out of three consecutive years and fails to meet the criteria for the extension of school improvement, shall be subject to corrective action. (This is more stringent than the requirements of NCLB.)
- B. Corrective action is implemented by the SDE at the direction of the State Board of Education.
- C. Corrective action involves suspension of the authority and responsibility of the local school board and subsequent State Board of Education approved action, including: management by SDE, contracted management (e.g., by another school district, individual, group, private company, university) or other action as deemed appropriate by the State Board of Education upon recommendation by the SDE. Any contractual arrangement for the operation of a corrective action school must require that the school show gains at least equal to those required in Paragraphs (1) and (2) of Subsection C of 6.19.2.8 NMAC.
- D. A school that is in corrective action must follow the direction of the State Superintendent or his/her designee.
- E. Corrective action for charter schools will account for the length of the charter, data from the five (5) indicators as well as information about their charter and progress over the last four years when considering options.

#### CORRECTIVE ACTION INITIATED BY A LOCAL SCHOOL BOARD, SUPERINTENDENT, OR THE GOVERNING BODY OF A CHARTER SCHOOL

Efforts at local corrective action, that is, corrective action taken by a local school board, a superintendent or the governing body of a charter school that directly involves a corrective action school

as defined in Section 7 of 6.19.1 NMAC, shall not result in additional corrective action by the State Board of Education or SDE under 6.19.1 NMAC or 6.19.2 NMAC, provided that:

- A. The local corrective action complies with 6.30.2 NMAC (“Standards for Excellence”) and any other applicable rule of the State Board of Education that relates to obtaining SDE approval prior to closure or reorganization of a public school.
- B. The authority to suspend under this rule shall be continuous and remain with the State Board of Education through the State Superintendent, and may be invoked at any time the State Board of Education determines that the local corrective action is not in compliance with Section 9 of 6.19.2 NMAC, any other provision of this rule, or any provision of 6.19.1 NMAC.
- C. Any local corrective action is subject to being disapproved by the State Board of Education acting through the State Superintendent where it:
  - (1) does not comply with the spirit or intent of this rule; or
  - (2) is detrimental to students enrolled in the corrective action school; or
  - (3) is unlikely even with best practices to take the school under consideration out of corrective action;
  - (4) would result in mismanagement, misuse or waste of public funds; or
  - (5) is otherwise not in the best interests of students enrolled in the corrective action school.

### **SUSPENSION OF A LOCAL SCHOOL BOARD FOR PURPOSES OF CORRECTIVE ACTION**

The State Board of Education, through the State Superintendent, may, for purposes of corrective action, suspend the authority and responsibility of a local school board or a charter school’s governing body. Where the school subject to corrective action is a charter school, the State Board of Education, through the State Superintendent, shall have final authority over decisions of the school’s governing body. As used below, “local school board” includes the governing body of a charter school.

- A. The suspension may be accomplished by either partially or totally suspending the local school board's authority and responsibility.
- B. A total suspension permits the suspension of all the local school board's authority and responsibility.
- C. A partial suspension permits the suspension:
  - (1) of all the local school board's authority and responsibility as it pertains to fewer than all schools within that board's district; or
  - (2) of some of the local school board's authority and responsibility as it pertains to any or all schools within that board's district.
- D. Whether total or partial, suspension of a local school board suspends the power, duties, authority, and responsibilities of the local school board as specified in the suspension order.
- E. No suspension shall be used to bring about a consolidation or reorganization of a school district without the approval of the local board of that district.

### **DURATION OF SUSPENSION**

Unless otherwise provided in this rule, suspension of a local school board shall continue until requirements of law, standards or rules have been met, compliance is assured, and the State Board of Education removes the suspension. Despite suspension of their powers, duties, authority and responsibility, nothing in this rule shall in any way limit the term of office, membership, election, re-election or recall of a local school board.

### **VOLUNTARY SUSPENSION**

The authority and responsibility of a local school board may be suspended voluntarily. Such a voluntary suspension may be either total or partial. A voluntary suspension shall be accomplished by an agreement signed as between the State Superintendent and the local board, and approved by the State Board of Education at its next available meeting.

## INVOLUNTARY SUSPENSION

The State Superintendent may commence involuntary suspension of a local school board if a school within its district has rated probationary for two out of three consecutive years, and has failed to meet the criteria for the extension of school improvement after rating probationary for two out of three consecutive years. The State Board of Education may direct the State Superintendent to determine if total or partial suspension of a local school board would be in the best interests of school children in a school district subject to corrective action. The State Superintendent can but need not pursue voluntary suspension procedures as a pre-condition to involuntary suspension. Except for a total suspension in which case the suspension procedures set forth at Section 22-2-14 NMSA 1978 shall apply, the following procedures shall be used to accomplish a partial suspension:

- A. Issuance of a notice of proposed suspension. To commence an involuntary suspension, the State Superintendent shall issue a notice of proposed suspension that:
  - (1) is delivered to the local school board that is the subject of the proposed suspension;
  - (2) identifies the public school or public schools under the authority and responsibility of a local school board that is the object of the proposed suspension;
  - (3) indicates the expected duration of the proposed suspension and that states it will not exceed the given duration unless extended by the State Board of Education;
  - (4) identifies a date, place and time where the local school board may appear and show cause either orally, in writing, or both, why an order of suspension should not be issued;
  - (5) limits the amount of time that anyone including the local school board and their representative(s) and any witnesses may have, to address the State Superintendent at the show cause hearing;
  - (6) notifies the local district that a written recommendation to suspend or not to suspend shall be made within 10 days of the show cause hearing.
- B. Issuance of a written recommendation. Within 10 days of the show cause hearing, the State Superintendent shall issue a written recommendation to suspend or not to suspend. Unless the State Superintendent has recommended non-suspension, he shall issue and deliver a copy of the proposed suspension order to the local school board together with a copy of the recommendation to suspend.
- C. Contents of the proposed suspension order. The proposed suspension order shall:
  - identify the group, individual(s) or combination thereof who will manage and operate the school(s) subject to corrective action;
  - (1) identify the public school or public schools that is the object of the proposed suspension;
  - (2) indicate the duration of the proposed suspension and state that it will not exceed the given duration unless extended by the State Board of Education;
  - (3) give a detailed reason why suspension is being ordered;
  - (4) set forth the specific power, duties, authority, and responsibilities of the local school board that will be affected by the proposed suspension order;
  - (5) be accompanied by the outline of an action plan the State Superintendent intends to follow in providing management or necessary personnel to operate the deficient public school or schools;
  - (6) contain a statement that the proposed suspension order shall become a final suspension order unless the local school board appeals the State Superintendent's recommendation and proposed suspension order to the State Board of Education within 10 days of receipt of the proposed order;
  - (7) contain a provision that the State Superintendent or his designee shall have the authority to direct the district business office to execute an appropriate procurement document and enter into a lawful contract and/or a joint powers agreement with both the SDE and a qualified provider for management consultant services, goods, services and salaries. Also, the proposed suspension order shall contain the substance of the following provisions, where applicable. The management consultant shall have control over the fiscal resources

of the individual school. In making purchases, management consultants shall purchase all required district goods and services in accordance with the provisions of the New Mexico Procurement Code. The funding available to management consultants for a charter school shall be governed by the 1999 Charter Schools Act [22-8B-1 to 22-8B-15 NMSA 1978]. For all other public schools, the following fiscal resources shall be available at a minimum:

- (a) a program cost amount determined by the membership of the school subject to corrective action, using the same methodology used to calculate program cost for a school district. For the purpose of calculating the school subject to corrective action's program cost, the district's training and experience index and the district's at-risk index shall be used;
  - (b) that portion of money from state, federal or local programs generated by students enrolled in the school subject to corrective action eligible for that aid; and
  - (c) any capital outlay funding designated for the school subject to corrective action;
- (8) contain a provision that directs the district business office to include in that district's annual audit any public school funds used or expended by any person or entity listed at Subsection A of 6.19.2.14 NMAC who is carrying out a corrective action.

D. **Appeal of Proposed Suspension Order.** Only a local school board may appeal a proposed suspension order to the State Board of Education. A final suspension order shall not for any reason be subject to appeal to, or review or reconsideration by, the State Superintendent or State Board of Education. To appeal a proposed suspension order, the following procedures must be followed:

- (1) A written notice of appeal shall be filed with the State Board of Education within 10 days of receipt of the State Superintendent's recommendation and proposed suspension order.
- (2) The State Superintendent shall schedule the matter to be heard by the State Board of Education, after giving the local school board at least 30 days within which to submit its written reasons and documents to support its position that a suspension should not be ordered at all or in the manner proposed.
- (3) The State Superintendent shall have 10 days from the receipt of the local school board's written reasons and supporting documents to submit any rebuttal reasons or documentation in support of the proposed suspension order. With the exception of provisions of law or rules, no other documents by either side shall be permitted to be submitted to or considered by the State Board of Education.
- (4) The State Board of Education shall allow either side, including any witnesses, a total of 30 minutes to present their position.
- (5) At any time prior to the end of its meeting, the State Board of Education shall issue a decision and order which shall either:
  - (a) deny the State Superintendent's proposed suspension order, or
  - (b) allow the State Superintendent's proposed suspension order and impose any conditions on the suspension that do not violate state laws or existing State Board of Education rules.
- (6) Any decision and order of the State Board of Education that suspends a local school board shall order the suspension to become effective on the first day of the month following the meeting of the State Board of Education that allowed the suspension.
- (7) The decision and order of the State Board of Education is final and shall not be subject to further appeal to, or review or reconsideration by, the State Board of Education.
- (8) Notwithstanding its decision and order, the State Board of Education shall have continuing authority to order a modification or early termination of a suspension order, provided it justifies its action at a State Board of Education meeting and gives both sides the opportunity to be heard.

E. **Termination of Suspension.** A suspension of a local school board under this rule shall terminate only upon approval by the State Board of Education at its next available meeting convened as

near as practicable to the month set for termination in the suspension order. Provided, however, that:

- (1) Either the State Superintendent or a local school board may seek an earlier termination by submitting a detailed written request to the State Board of Education.
  - (2) Upon termination of suspension where the local school board is for whatever reason no longer lawfully constituted, the State Superintendent shall assist in a transition capacity only, until a new school board has been duly elected and sworn.
  - (3) Any power, duties, authority, and responsibilities held by the State Superintendent during the suspension shall be deemed immediately transferred to the local school board upon the termination of the suspension by the State Board of Education.
  - (4) The State Board of Education may at any time on its own terminate a suspension, provided that it does so at a public meeting where it gives its reasons for the decision.
- F. Enforcement of Suspension. The State Superintendent or State Board of Education may enforce this rule by applying to the district court for an injunction, writ of mandamus or other appropriate relief.

### **IMPLEMENTATION OF CORRECTIVE ACTION**

- A. The State Superintendent shall prescribe a written action plan on how the corrective action school(s) will be managed and operated during the life of the suspension. The action plan need not be finalized at the time the suspension becomes effective and once completed may be modified at any time as circumstances change. The action plan shall be maintained by the state superintendent or his designee. The action plan may encompass the use of any or all of the following groups or individuals in managing or operating the corrective action school(s):
- (1) the SDE;
  - (2) contracted consultants;
  - (3) contracted management (e.g., another school district, individual, group, private company, university);
  - (4) contracted for individuals from other school districts, educational cooperatives, educational organizations, or the state's colleges and universities;
  - (5) any combination of the foregoing.
- B. Effect of Suspension on District Employees. While it shall not be the express purpose of a suspension under this rule to terminate, discharge, or replace licensed or unlicensed district or charter school employees, the State Superintendent shall possess and execute all the legal authority and responsibility of the suspended local school board subject to the following restrictions:
- (1) The object of the State Superintendent's authority and responsibility shall be limited to the school or schools identified in the suspension order.
  - (2) The scope of the State Superintendent's authority and responsibility shall be limited to the school or schools identified in the suspension order.
  - (3) The retention of existing district administrators and employees shall be considered.
  - (4) Any termination or discharge of district employees must be conducted in accordance with the applicable sections of the School Personnel Act [Section 22-10-1 et seq. NMSA 1978].
  - (5) Any adverse personnel action of any licensed or unlicensed district employee shall be limited to the authority set forth in the suspended district's policies.
  - (6) The State Superintendent shall not be obligated to honor any district employment plans or letters of intent issued pursuant to Section 22-10-13 NMSA 1978 that involve the hiring of an individual holding or seeking a substandard license.
- C. In the event any group or individual(s) identified in the corrective action plan fails, refuses or otherwise ceases to perform in accordance with the State Superintendent's action plan or pursuant to a contract entered into with a corrective action school, the authority and

responsibility to manage the corrective action school under the corrective action plan shall immediately revert to the State Superintendent.

### **ANNUAL STATUS REPORT**

The State Superintendent shall report on the progress of any local school board suspension periodically to the State Board of Education. At a minimum, the State Superintendent shall report to the State Board of Education on the 12th month anniversary of the suspension of a local school board. Additionally, he shall report to the State Board of Education upon the termination of suspension of a local school board. Modification of any action plans need not be reported unless they involve substantial changes.

In the case of local corrective action plans approved by the State Superintendent with or without mandatory conditions, the school will have one full school year from the time of identification to meet the criteria for an extension of school improvement or to meet standards as a result of having implemented the corrective action plan.

### **REWARDS:**

Chapter 22 and 22A of New Mexico Statutes [Section 22-1-6.I and 22-13A NMSA 1978]

The State Board of Education shall measure the performance of every public school in New Mexico. Public Schools achieving the highest level of performance shall be eligible for supplemental incentive funding. The State Board of Education shall establish the corrective action and intervention necessary for public schools whose performance level is low. In addition, when determining schools that receive incentives, only schools that have 95% or more of the students participating in assessments will be considered when awards are made.

The rewards for high improving schools are determined using the methodology below. It is the intent of the SDE to modify this reward system in future years to accommodate decisions that are based on Adequate Yearly Progress and are applied uniformly across public schools and school districts. The purpose of the "Incentives for School Improvement Act" is to provide financial incentives to individual schools that exceed expected academic performance. The program shall be administered by the SDE. The SDE shall develop a standardized method to measure the progress of students enrolled in public schools. The standardized method developed shall be reviewed and approved by the State Board of Education of education.

There is a fund created in the New Mexico State Treasury entitled the "Incentives for School Improvement Fund". The fund shall consist of any state money appropriated to the fund, any federal money allocated to the state for the purposes of the "Incentives for School Improvement Act", undistributed annual balances and earnings of the fund and any gifts or bequests made to the fund. The state treasurer shall invest the fund as other state funds are invested. The balance remaining in the fund at the end of the fiscal year shall not revert to the general fund. (Exhibit 20)

The fund is appropriated to the SDE for the purpose of implementing and administering the "Incentives for School Improvement Act". No more than three percent of the fund may be retained by the SDE for administrative purposes.

Money in the fund shall be distributed directly to schools evidencing the greatest improvement as determined by the SDE. Disbursements shall be made only to schools that qualify. Money received by a school from the fund shall not be used for salaries, salary increases, or bonuses. Money shall be used as determined by the school principal and teachers in cooperation with other school employees and the

community. All necessary rewards and sanctions of Section 1116 were applied beginning 2001-02 for all schools, including Title I schools in New Mexico.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
2.1 How does the State Accountability System include all students in the State?	<p>All students in the State are included in the State Accountability System.</p> <p>The definitions of “public school” and “LEA” account for all students enrolled in the public school district, regardless of program or type of public school.</p>	Public school students exist in the State for whom the State Accountability System makes no provision.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

The following are definitions from both regulation and statute as they apply to the current and future accountability system:

1. A public school is defined as that part of a school district that is a single attendance center where instruction is offered by a certified school instructor or group of certified instructors and is discernable as a building or group of buildings generally recognized as either an elementary, secondary, junior high or high school or any combination thereof [Section 22-1-2.M NMSA 1978].
2. Effective July 1, 1999, school districts shall annually administer a nationally norm referenced test or a standards-based assessment to all students enrolled in a public school [NMSA 22-1-6.B]. This statute supports New Mexico’s position that all students should be tested using some form of assessment, either norm-referenced, standardized administration; norm-referenced with accommodations; or alternate assessment. When determining schools that receive incentives, only schools that have 95% or more of the students participating in assessments will be considered when awards are made.
3. Beginning with students entering the 9<sup>th</sup> grade in school year 1986-87, successful completion of a minimum of 23 units shall be required for graduation. No student shall receive a high school diploma who has not passed a state graduation examination in the subject areas of reading, English, math, writing, science, and social studies. [22-1-8.4 NMSA 1978]
4. Alternate Assessment for Special Education Students: Alternate Assessments are used in all of the current and future accountability systems. The New Mexico Alternate Assessment was developed in 2000 by a volunteer team of people who have extensive experience with individuals with severe disabilities. The design team included parents and professionals with experience and expertise in assessment and in the education of students with severe disabilities, including mental retardation, autism, visual impairments, and multiple disabilities. These assessments, in regulation and in practice, are supported by IDEA Section 34 CFR Sections 300.138, 300.139, and 300.220.

(Exhibit 2)

The current policies, regulations and state laws are designed for an accountability system that is based on a norm-referenced test model. The tests are administered in grades 3 through 9 and a high school competency exam is given beginning at grade 10 in both the English and Spanish Languages, with accommodations for English language learners and special needs students. Alternative tests are included for certain special needs students. In addition, the DIBELS is being piloted in grades kindergarten through 3 with the intent to have this test in place in all New Mexico schools by school year 2003-2004. This is a standards-based, criterion referenced test designed to inform instruction and provide consistent and reliable information about the progress of students toward the goal that all students become proficient readers by the time they exit third grade. (Exhibits 4, 11, & 12)

The New Mexico Alternate Assessment is based upon the New Mexico State Content Standards and Benchmarks. These standards and benchmarks relate to instruction in the following areas: reading, writing, math, science, social studies, and language arts. Performance standards and benchmarks for kindergarten and 3- and 4-year-old children were expanded and mapped backwards in order to identify functional skills that were appropriate for students with the most significant disabilities for instructional and assessment purposes.

The New Mexico Alternate Assessment consists of four functional activities, including community participation, planning and creating a product, independent living, and caring for living things.

## **CONSIDERATIONS FOR FUTURE REGULATIONS**

1. Inclusion of Alternative Schools in the accountability system: An alternative school is defined as a public school with its own principal, which offers an educational program leading to a high school diploma or GED. To qualify as an alternative school, the school must be approved by the State Superintendent of Public Instruction. The educational program is designed to meet students' individual needs and includes the minimum course requirements approved by the State Board of Education. In contrast to an alternative school, a school district may include an alternative program as part of the curricula at a traditional middle school, junior high school, or high school. An alternative program does not have to be approved by the State Superintendent. Example: Graduation Reality and Dual Reporting System (GRADS) (Exhibit 7)

Guidelines for opening alternative schools:

- Prior to the opening of the alternative school, a request for approval of school district reorganization must be approved by the State Superintendent of Public Instruction (6.30.2.10.f NMAC)
- Education is the primary purpose for the existence of the school.
- The school must have its own identity, differentiated by faculty, administration, students, scheduling, facilities, budget and/or separate membership reporting.
- The education program must offer or provide access to meeting the minimum course requirements approved by the State Board of Education.
- The school must, by means of a locally determined admittance process, identify and serve a secondary school target population who cannot be served in a traditional educational setting.
- The school must be in compliance with applicable federal regulations, state statutes, and State Board of Education Regulations.
- The school's evaluation will be consistent with local criteria, state statutes, State Board of Education Regulations, and SDE requirements.
- 22-8-2.M.2, NMSA 1978, Public School Finance Act, defines a qualified student as a public school student who is enrolled in one-half or more of the minimum course requirements approved by the State Board of Education for public school students.

Existing alternative schools, which are approved by the SDE, will be reviewed to determine if they meet the above guidelines. (Exhibit 7)

2. Incorporation of Charter Schools: A charter school in New Mexico is a public school that is accredited by the State Board of Education and shall be accountable to the school district's local board for the purposes of ensuring compliance with applicable laws, rules, and charter provisions as well as NMSA 1978 sections 22-1-6 and 22-2-8. **Charter schools are rated in the accountability**

**system on the same basis as a new district school. The charter school ratings and scores are not included in district rating.** (Exhibit 8)

3. Inclusion of kindergarten through second grade schools in the accountability systems: Currently there is no provision for inclusion of these schools in the accountability system. However, New Mexico is a recipient of the *Reading First* award, which provides federal funds for research-based innovative reading programs. In 22-2-6.12 and 8.5 NMSA 1978, schools receiving funds “shall show evidence that they are using quality research-based programs to improve reading proficiency and shall develop individual reading plans for students who fail to meet grade level reading proficiently standards”. New Mexico intends to use the DIBELS reading assessment to implement this statute. (Exhibit 9)

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>2.2 How does the State define “full academic year” for identifying students in AYP decisions?</p>	<p>The State has a definition of “full academic year” for determining which students are to be included in decisions about AYP.</p> <p>The definition of full academic year is consistent and applied statewide.</p>	<p>LEAs have varying definitions of “full academic year.”</p> <p>The State’s definition excludes students who must transfer from one district to another as they advance to the next grade.</p> <p>The definition of full academic year is not applied consistently.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

To account for students and assign school level ratings based on enrollment -on or -by a particular time, the SDE follows NMAC 6.19.1.8 A.1.a. The test results of students who have been in attendance on or prior to the 40-day attendance count shall be used to determine the rating of each status data point. Growth scores are calculated based on cohorts for one, two, or three years within the same school. Students tested and enrolled on the 40<sup>th</sup> day are considered enrolled for a full academic year. In the future, the 40<sup>th</sup> day will continue to be used. The 40<sup>th</sup> day is set by regulation 6.19.1 NMAC as the first day of reporting from the school districts to the SDE to establish enrollment numbers for funding as well as class size considerations and teacher assignments. Assessment data for students enrolled on or before the 40<sup>th</sup> day will be assigned to the school in which they are tested. Assessment data for students enrolled after the 40<sup>th</sup> day will be assigned to the school district to assign the district rating. (Exhibits 4, 11, 12, & 17)

Effective July 1, 1999, school districts shall annually administer a nationally norm-referenced test or a standards-based assessment to all students enrolled in a public school [NMSA 22-1-6.B]. This statute supports New Mexico’s position that all students should be tested using some form of assessment, either norm-referenced, standardized administration; norm-referenced with accommodations; or alternate assessment. When determining schools that receive incentives, only schools that have 95% or more of the students participating in assessments will be considered when awards are made. (Exhibit 2)

To make AYP, 95% of students enrolled are assessed and data collected and reported for each district, school and subgroup. Reporting on accountability is based on students enrolled for the full academic year (40<sup>th</sup> day). There is a student enrollment count which is transmitted to the SDE on the 80<sup>th</sup> day, which is the approximate time of the administration of the High School Competency Examination. There is also a student enrollment count which is transmitted to the SDE on the 120<sup>th</sup> day, which immediately precedes the testing window.

In calculating the 95% participation rate for all groups and subgroups within a school for the New Mexico High School Competency Examination (which is administered at the 80<sup>th</sup> day of enrollment) and the New Mexico Achievement Assessment Program, grades 3 through 9 (which is administered at the 120<sup>th</sup> day of enrollment), the denominator will be the number of individually tracked students who are identified by the individual, unique student identification number. Those students not in the cohort group tracked though the 40<sup>th</sup>, 80<sup>th</sup>, or 120<sup>th</sup> day enrollments will be assigned to the district level ratings.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>2.3 How does the State Accountability System determine which students have attended the same public school and/or LEA for a full academic year?</p>	<p>State holds public schools accountable for students who were enrolled at the same public school for a full academic year.</p> <p>State holds LEAs accountable for students who transfer during the full academic year from one public school within the district to another public school within the district.</p>	<p>State definition requires students to attend the same public school for more than a full academic year to be included in public school accountability.</p> <p>State definition requires students to attend school in the same district for more than a full academic year to be included in district accountability.</p> <p>State holds public schools accountable for students who have not attended the same public school for a full academic year.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

To account for students and assign ratings based on enrollment-on or -by a particular time, the SDE follows NMAC 6.19.1.8 A.1.a. The test results of the students who have been in attendance on or prior to the 40-day attendance count shall be used to determine the rating of each status data point. Growth scores are calculated based on cohorts for one, two, or three years within the same school. Again, students tested and enrolled on the 40<sup>th</sup> day are considered the defining population. In the future, the 40<sup>th</sup> day will continue to be used. The 40<sup>th</sup> day is set by regulation 6.19.1 NMAC as the first day of reporting from the school districts to the SDE to establish enrollment numbers for funding as well as class size considerations, and teacher assignments. Students enrolled on or before this date will be assigned to the school in which they are tested. Students enrolled after this date will be assigned to the school district to assign the district rating. (Exhibits 4 & 17)

Currently the student data are managed via the New Mexico Accountability Data System (ADS). A future policy decision will be made regarding the inclusion of student scores in the district and state counts when students are not enrolled at a particular school, on or by the 40<sup>th</sup> day, in order to show AYP for that school. Senate Reform Bill 308 includes provisions for the SDE to have a statewide student identification number (unique student ID) in place by school year 2004-2005. This will allow the SDE to calculate student data and assign ratings at the school and district level.

In calculating the 95% participation rate for all groups and subgroups within a school for the New Mexico High School Competency Examination (which is administered at the 80<sup>th</sup> day of enrollment) and the New Mexico Achievement Assessment Program, grades 3 through 9 (which is administered at the 120<sup>th</sup> day of enrollment), the denominator will be the number of individually tracked students who are identified by the individual, unique student identification number. Those students not in the cohort group tracked through the 40<sup>th</sup>, 80<sup>th</sup>, or 120<sup>th</sup> day enrollments will be assigned to the district level ratings.

**PRINCIPLE 3. State definition of AYP is based on expectations for growth in student achievement that is continuous and substantial, such that all students are proficient in reading/language arts and mathematics no later than 2013-2014.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.1 How does the State's definition of adequate yearly progress require all students to be proficient in reading/language arts and mathematics by the 2013-2014 academic year?</p>	<p>The State has a timeline for ensuring that all students will meet or exceed the State's proficient level of academic achievement in reading/language arts<sup>3</sup> and mathematics, not later than 2013-2014.</p>	<p>State definition does not require all students to achieve proficiency by 2013-2014.</p> <p>State extends the timeline past the 2013-2014 academic year.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

The SDE recognizes the need for all students to demonstrate proficiency by school year 2013-2014 in reading, language arts and mathematics. The data that will be calculated regarding AYP will be generated by grades 4 and 8 CRT which is to be administered for the first time during the spring testing administration of school year 2002-2003, and the CRT at grade 11 which will be administered in the fall of 2003. The starting point will be calculated in the winter of 2003. All students in New Mexico will be proficient by 2013-2014. The data necessary to determine the beginning points for AYP will not be available until December 2003. The SDE proposes:

- to continue the current accountability system for one year (school year 2002-2003);
- to use the data from the grades 4, 8, and 11 CRT administration in school years 2002-2003 and 2003-2004 to calculate AYP for those grades;
- to implement an entirely CRT- based system with AYP calculated in all grades, for all subjects as specified, by school year 2004-2005; and,
- all students in New Mexico will be proficient in 11 years.

(Exhibits 4, 11, 12, 13, 14, & 15)

This timeline will apply to all groups and subgroups in all public schools in New Mexico.

On Chart 1 (facing page) is an example of what could result in New Mexico once starting points and goals and objectives are established for AYP.

Currently New Mexico does not have a safe harbor policy. However, prior to the rating of schools in July/August of 2004, the New Mexico State Board of Education will be encouraged to adopt the following policy to support schools and meet federal regulatory requirements:

- Use of safe harbor: If a subgroup or all students in a school or district does not meet annual measurable objectives, a safe harbor test will be applied to determine if AYP has been met.
- The safe harbor test can be applied to any year when a measurable objective has not been met.
- Operationally, if the percentage of students in the subgroup meeting proficient levels of performance represents a decrease of at least 10 percent in the percent of students not meeting proficient levels of performance in the previous year, and the subgroup makes progress on one or more of the other indicator(s) or is at or above the target, the subgroup will be considered to have met AYP [34 CFR 200.20].
- To qualify for safe harbor, all groups and subgroups must have tested at least 95% of the students in the groups and subgroups.
- All indicators will be disaggregated by subgroup to be used with safe harbor.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2 How does the State Accountability System determine whether each student subgroup, public school and LEA makes AYP?</p>	<p>For a public school and LEA to make adequate yearly progress, each student subgroup must meet or exceed the State annual measurable objectives, each student subgroup must have at least a 95% participation rate in the statewide assessments, and the school must meet the State's requirement for other academic indicators.</p> <p>However, if in any particular year the student subgroup does not meet those annual measurable objectives, the public school or LEA may be considered to have made AYP, if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the State assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on one or more of the State's academic indicators; and that group had at least 95% participation rate on the statewide assessment.</p>	<p>State uses different method for calculating how public schools and LEAs make AYP.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

The NMSDE is responsible for continuing to hold schools accountable for the academic achievement of children. In 2003-2004, we will use the current accountability system because NRT data are available for grades 3 through 9 and the New Mexico High School Competency Examination. During the 2003-2004 school year, NMSDE will meet the federal timeline waiver by developing and administering a CRT in grades 4, 8, and 11 for which data will not be available until winter 2003. In 2003-2004, the NMSDE will have data from which AYP decisions will be made for grades 4, 8, and 11. However, NMSDE will not have CRT data available for grades 3, 5, 6, 7, and 9 in the 2003-2004 school year. NMSDE will utilize NRT data for these grades. A combination of the old and new accountability systems will be applied to schools during the 2003-2004 school year ensuring that decisions will be based on AYP for the purposes of assigning schools to school improvement. . In 2003-2004 New Mexico will continue to use the existing norm-referenced assessments in grade 3, 5, 6, 7, and 9 with the present accountability system implemented for these grades. If schools do not make AYP in grades 4, 8, and 11, they will be placed in the school improvement cycle. NMSDE has issued a Request for Proposals for the development of Criterion Referenced Assessments in grades 3 though 9 to be developed 18 months from the date of release. In 2004-2005 all schools will be assigned ratings based on AYP. Once CRTs are implemented in any grade it will be expected that the grade within the school/district will make AYP. If this does not occur the school will be assigned to school improvement status. NMSDE will assure that AYP decisions will be based on utilizing the current accountability system with NRTs in 2002-03 and in 2003-04, SDE will disaggregate according to required subgroups. In 2003-04 using the CRTs, SDE will continue the process.

Based on current data from the existing norm-referenced test, it is estimated that 80-95% of the students, in groups and subgroups, may perform in the *below proficient* categories on any single content area of

assessment. Because the CRT is new for grades 4, 8, and 11, and data will not be available to begin AYP starting points until December 2003, the SDE will rate schools the existing accountability system in school year 2002-2003. In school year 2003-2004, the SDE will have two years of CRT data for grades 4, 8, and 11, to calculate growth and progress and will continue to use the existing NRT assessments for grade 3,5,6,7, and 9 and the 10<sup>th</sup> grade NMHSCE. (Exhibits 2 & 21)

Following guidance from the United States Department of Education, SDE will adopt the following policy: If, in any particular year the student subgroup does not meet annual measurable objectives, the public school or school district may be considered to have made AYP if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on one or more of the State’s academic indicators; and that group had at least 95% participation rate on the statewide assessment.

(Exhibits 2 & 21)

To ensure the validity and reliability of the accountability system, as well as clearly define school ratings, the following system will be employed:

- Instead of schools earning ratings by data points within grades in a school (as was done prior to the 2002-2003 school year), grade level data would be combined such that all subject level data are combined across grades.
- Following the combining of data, using the SBE/NMSDE Data Point Matrix, schools will be rated not on grade level performance but performance by the subject level using the status and growth model.
- This technique ensures that once these data are disaggregated, schools will have a greater chance of meeting the minimum “n” size in order for groups and subgroups to be rated.

Furthermore, after completing the impact data analysis, it was determined that NMSDE will account for more student groups and subgroups within schools and districts. Using this model NMSDE will rate schools adequately and fairly. Additionally, data will continue to be communicated to schools by grade level groups and subgroups within the grade level performed for instructional purposes. (Exhibit 29)

The accountability system will be based on data points awarded for whole group performance in the areas of reading, language arts, math, science, and social studies in English, and reading, language arts, and math in Spanish. The data points are earned based on AYP with attendance rates for all schools, and dropout rates for secondary schools and high school graduation rates included in the system. School ratings and subsequent intervention by the SDE, is based on AYP. Schools may be rated as:

- **“Exemplary”** means a district/school rating on the five statewide indicators demonstrating that the school/district has at least 50% of its data points in *exemplary* and 0% of its data points in *probationary*.
- **“Exceeds Standards”** means a district/school rating on the five statewide indicators demonstrating that the school/district has at least 50% of its data points in *exceeds standards* or higher;
- **“Meets Standards”** means a district/school rating on the five statewide indicators demonstrating that the district/school has more than 50% of all data points in *meets standards* or higher;
- **“Probationary”** means a district/school did not meet AYP in a group or subgroup.

**KEY**

<b>Performance Warned</b>	<b>1<sup>st</sup> year of not making AYP</b>
<b>School Improvement 1</b>	<b>2<sup>nd</sup> year of not making AYP</b>
<b>School Improvement 2</b>	<b>3<sup>rd</sup> year of not making AYP</b>
<b>Corrective Action</b>	<b>4<sup>th</sup> year of not making AYP</b>

(Exhibits 4, 11, 12, 13, 14, 15, & 16)

In school year 2002-2003, New Mexico will use existing norm-referenced assessments provided by the currently-contracted testing company in grades 3 through 9; criterion-referenced assessments in grades 4 and 8, also provided by the currently-contracted testing company; and a piloted, CRT for grade 11, provided by a separate testing company. In school year 2003-2004, New Mexico will rate schools based on scores from NRTs for grades 3, 5, 6, 7, and 9, and scores from CRTs in grades 4, 8, and 11. In school year 2004-2005, New Mexico will implement an entirely new CRT-based system to calculate AYP. (Exhibits 14 & 15)

Because school year 2002-2003 is the first time schools in New Mexico will be administering criterion-referenced, standards-based assessments, much work remains to develop appropriate data from which to make decisions. New Mexico does not anticipate having accurate, reliable, and purposeful information about these assessments until November or December 2003. This is far too long to wait to rate schools. Transition to a criterion-referenced, standards-based system will include the starting points in grades 4, 8, and 11 in school year 2003-2004, at which point it will be possible to calculate the starting points of AYP for New Mexico. . In 2003-2004 New Mexico will continue to use the existing norm-referenced assessments in grade 3, 5, 6, 7, and 9 with the present accountability system implemented for these grades. However, if schools do not make AYP in grades 4, 8, and 11, they will be placed in the school improvement cycle. (Exhibits 14 & 15)

In school year 2004-2005, New Mexico will implement the entire criterion-referenced, standards-based assessment system based on AYP calculations in grades 3 through 9; and the grade 11 criterion-referenced assessment.

Currently, in New Mexico, there are 23 schools that contain some configuration of grades kindergarten through 2<sup>nd</sup>. These schools do not earn data points based on assessments and therefore have not been rated. However, there exist several means to rate these schools immediately. One solution is to establish base-line data with a state-wide reading assessment in 2003-2004 and calculate AYP from that point on. However the adoption and implementation of an assessment will take some time as is explained in this document. The best solution, at this time, is to assign the grade 3 data from the primary feeder schools “backwards” for the next two years based first on the NRT and then on the CRT and AYP. Once data have been established for all grades in all schools, then New Mexico will be able to move forward completely with AYP. (Exhibit 30)

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2a What is the State's starting point for calculating Adequate Yearly Progress?</p>	<p>Using data from the 2001-2002 school year, the State established separate starting points in reading/language arts and mathematics for measuring the percentage of students meeting or exceeding the State's proficient level of academic achievement.</p> <p>Each starting point is based, at a minimum, on the higher of the following percentages of students at the proficient level: (1) the percentage in the State of proficient students in the lowest-achieving student subgroup; or, (2) the percentage of proficient students in a public school at the 20<sup>th</sup> percentile of the State's total enrollment among all schools ranked by the percentage of students at the proficient level.</p> <p>A State may use these procedures to establish separate starting points by grade span; however, the starting point must be the same for all like schools (e.g., one same starting point for all elementary schools, one same starting point for all middle schools...).</p>	<p>The State Accountability System uses a different method for calculating the starting point (or baseline data).</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

New Mexico's starting point, if approved by United States Department of Education, will utilize the data generated by the 2002-2003 administration of a new CRT for grades 4, 8, and 11, to calculate the starting points for those grades. In school year 2003-2004 New Mexico will administer a CRT in grades 4, 8, and 11 and calculate AYP based on the data from that administration. In school year 2004-05, New Mexico will administer a CRT in grades 3-9 and 11. Starting points for grades 3, 5, 6, 7, and 9 will be calculated and AYP will continue for grades 4, 8 and 11.

It is estimated that as many as 80-95% of New Mexico's students across groups and subgroups may be *below proficient*, based on preliminary data runs of the norm-referenced test results. It is also anticipated that the most significant data will be derived from calculating the starting points (when data are available) based on the percentages of students at the *proficient* level, at a minimum, on the higher of the following percentages of students at the proficient level: (1) the percentage in the State of proficient students in the lowest-achieving student subgroup; or, (2) the percentage of proficient students in a public school at the 20<sup>th</sup> percentile of the State's total enrollment among all schools ranked by the percentage of students at the proficient level. The starting point will be the same for all groups and subgroups in New Mexico's public schools and school districts. (Exhibit 11)

On Chart 1 (facing page) is an example of what could result in New Mexico once starting points and goals and objectives are established for AYP.

Currently New Mexico does not have a safe harbor policy. However, prior to the rating of schools in July/August of 2004, the New Mexico State Board of Education will be encouraged to adopt the following policy to support schools and meet federal regulatory requirements:

- Use of safe harbor: If a subgroup or all students in a school or district does not meet annual measurable objectives, a safe harbor test will be applied to determine if AYP has been met.
- The safe harbor test can be applied to any year when a measurable objective has not been met.
- Operationally, if the percentage of students in the subgroup meeting proficient levels of performance represents a decrease of at least 10 percent in the percent of students not meeting proficient levels of performance in the previous year, and the subgroup makes progress on one or more of the other indicator(s) or is at or above the target, the subgroup will be considered to have met AYP [34 CFR 200.20].
- To qualify for safe harbor, all groups and subgroups must have tested at least 95% of the students in the groups and subgroups.
- All indicators will be disaggregated by subgroup to be used with safe harbor.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>3.2b What are the State's annual measurable objectives for determining adequate yearly progress?</p>	<p>State has annual measurable objectives that are consistent with a state's intermediate goals and that identify for each year a minimum percentage of students who must meet or exceed the proficient level of academic achievement on the State's academic assessments.</p> <p>The State's annual measurable objectives ensure that all students meet or exceed the State's proficient level of academic achievement within the timeline.</p> <p>The State's annual measurable objectives are the same throughout the State for each public school, each LEA, and each subgroup of students.</p>	<p>The State Accountability System uses another method for calculating annual measurable objectives.</p> <p>The State Accountability System does not include annual measurable objectives.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

SDE does not have data to determine annual measurable objectives based on proficiency levels. New Mexico's annual measurable objectives will be the same throughout the state for each public school and each school district, and each subgroup of students. Following the administration of the new CRT assessments, data will be calculated and analyzed. Once annual measurable objectives are established, the State's annual measurable objectives will be developed to ensure all students in New Mexico meet or exceed the State's calculated proficient level of academic achievement within the timeline of all students being proficient by 2013-2014. (Exhibit 11)

Currently, the NMSDE data management system relies upon district-assigned student identification numbers. This practice tends to cause duplication and confusion; however, the NMSDE statistician and an externally-contracted statistician match every assessment data entry by name, student ID number and date of birth. During the recently completed legislative session (2003), the New Mexico Legislature appropriated funds for the development and implementation of a statewide, unique student identification system. When implemented, the NMSDE will be able to match assessment and student data management systems to determine attendance, enrollment, participation, etc. The statewide student identification system will ensure validity and reliability through an ongoing audit process.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
3.2c What are the State’s intermediate goals for determining adequate yearly progress?	<p>State has established intermediate goals that increase in equal increments over the period covered by the State timeline.</p> <ul style="list-style-type: none"> <li>•The first incremental increase takes effect not later than the 2004-2005 academic year.</li> <li>•Each following incremental increase occurs within three years.</li> </ul>	<p>The State uses another method for calculating intermediate goals.</p> <p>The State does not include intermediate goals in its definition of adequate yearly progress.</p>
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

SDE does not have data to calculate intermediate goals based on proficiency levels. Annual measurable objectives and intermediate goals will mirror each other and will increase by an equal percentage each year to ensure all students are proficient by 2013-2014. This will be applied to each subgroup as well. (Exhibit 11)

In addition, New Mexico will use the most appropriate method of data analysis following the initial data calculation (i.e., uniform averaging, one-year, and across grades). New Mexico, currently uses rolling averages for small schools and population sizes less than ten. Rolling averages yield statistically valid and reliable data for determining accountability decisions for schools. With the possibility of a large percentage of New Mexico students performing at below proficiency levels, setting intermediate goals for each year is necessary.(Exhibit 11)

On Chart 1 (facing page) is an example of what could result in New Mexico once starting points and goals and objectives are established for AYP.

Currently New Mexico does not have a safe harbor policy. However, prior to the rating of schools in July/August of 2004, the New Mexico State Board of Education will be encouraged to adopt the following policy to support schools and meet federal regulatory requirements:

- Use of safe harbor: If a subgroup or all students in a school or district does not meet annual measurable objectives, a safe harbor test will be applied to determine if AYP has been met.
- The safe harbor test can be applied to any year when a measurable objective has not been met.
- Operationally, if the percentage of students in the subgroup meeting proficient levels of performance represents a decrease of at least 10 percent in the percent of students not meeting proficient levels of performance in the previous year, and the subgroup makes progress on one or more of the other indicator(s) or is at or above the target, the subgroup will be considered to have met AYP [34 CFR 200.20].
- To qualify for safe harbor, all groups and subgroups must have tested at least 95% of the students in the groups and subgroups.
- All indicators will be disaggregated by subgroup to be used with safe harbor.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
4.1 How does the State Accountability System make an annual determination of whether each public school and LEA in the State made AYP?	AYP decisions for each public school and LEA are made annually. <sup>4</sup>	AYP decisions for public schools and LEAs are not made annually.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

New Mexico currently makes, and will continue to make, decisions for each public school and school district annually. With the implementation of the CRT in grades 4, 8, and 11, and the subsequent development of the CRT in grades 3 through 9, decisions for each public school and school district will be made annually based on AYP. (Exhibits 4, 11, 12, 13, 14, 15, &16)

Currently, the NMSDE data management system relies upon district assigned student identification numbers. This practice tends to cause duplication and confusion; however, the NMSDE statistician and an externally contracted statistician match every assessment data entry by name, student ID number and date of birth. During the recently completed legislative session (2003), the New Mexico Legislature appropriated funds for the development and implementation of a statewide, unique student identification system. When implemented, the NMSDE will be able to match assessment and student data management systems to determine attendance, enrollment, participation, etc. The statewide student identification system will ensure validity and reliability through an ongoing audit process.

Following guidance from the United States Department of Education, SDE will adopt the following policy: If, in any particular year the student subgroup does not meet annual measurable objectives, the public school or LEA may be considered to have made AYP if the percentage of students in that group who did not meet or exceed the proficient level of academic achievement on the assessments for that year decreased by 10% of that percentage from the preceding public school year; that group made progress on one or more of the State’s academic indicators; and that group had at least 95% participation rate on the statewide assessment.

Both the transition period and the new system provide time for districts and schools to notify parents about public school choice or supplemental educational service options and time for parents to make informed decisions concerning public school choice and supplemental educational services. These timelines also provide sufficient time for the state to identify school improvement schools and corrective action schools and to initiate the process for implementing technical assistance and support services.

(Exhibits 2, 4, 11, 12, 13, 14, 15, & 16)

**PRINCIPLE 5. All public schools and LEAs are held accountable for the achievement of individual subgroups.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.1 How does the definition of adequate yearly progress include all the required student subgroups?	<p>Identifies subgroups for defining adequate yearly progress: economically disadvantaged, major racial and ethnic groups, students with disabilities, and students with limited English proficiency.</p> <p>Provides definition and data source of subgroups for adequate yearly progress.</p>	State does not disaggregate data by each required student subgroup.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

The following subgroups have been identified and will be used in current (2002-03) and future accountability systems for disaggregation purposes in New Mexico:

Ethnicity:

- Caucasian/White not of Hispanic origin
- Black, not of Hispanic origin
- Hispanic
- Asian/pacific Islander
- American Indian/Alaskan native

Economically disadvantaged  
 Students with disabilities  
 ELL (LEP) students

The SDE will continue to implement a reporting system established with the testing company that provides student data about groups and subgroups. Electronic data files sent from the testing company are disaggregated by subgroups and placed in the correct accountability categories with data points assigned. School data sheets are developed to report and send the data to the schools for initial review. Schools may review their data, identify potential errors of calculation or coding, and make corrections. Revised data sheets are then provided to the schools and ratings are made public. The accountability system will be implemented in the same manner with the use of AYP. (Exhibits 4, 11, 12, 13, 14, 15, 16, & 18)

It is anticipated and expected that there will be further changes and modifications to the accountability system over time. It should be noted that NMSDE does not permit out of level testing under any circumstances.

The NMSDE fully expects that students with disabilities who receive special education services will participate in the statewide assessment program in one of the three following ways:

- Statewide standardized assessment
- Statewide standardized assessment with accommodations
- New Mexico Alternate Assessment

The NMSDE has issued guidance to school districts regarding allowable accommodations. In addition, the NMSDE has published and made available to districts a technical assistance manual on how to develop quality Individualized Education Programs (IEPs). This document assists IEP teams, including parents, in understanding the options for participation in the statewide assessment program.

Those students with disabilities that participate in the assessment, either with or without accommodations, will be held to the same achievement and accountability standards as their non-disabled peers. As indicated in Section 1.3 of this document, the SDE developed the *New Mexico Performance Descriptors for Language Arts and Mathematics*. These performance descriptors have been developed specifically for the new criterion-referenced tests (CRTs) in grades 4, 8, and 11.

Should the percent of students participating in the New Mexico Alternate Assessment exceed 1.0% (1.0%) of the total student population in a school, district, or the state, that excess percentage of students will be held to the general achievement standards. This would likely place those students at the lowest level of proficiency on the general assessments (Beginning Proficiency) given the significant nature of their disabilities.

Currently, the NMSDE is working toward meeting all requirements related to the assessment of students with disabilities, as well as the public reporting of test results for all students with disabilities. While proficiency levels have been established for the New Mexico Alternate Assessment, the process of developing technically sound student, school, and district reports is in the process of being completed. The NMSDE must meet all testing and reporting requirements by the deadline of May 30, 2003, established by the Office of Special Education Programs (OSEP). As the performance standards are developed and refined in relation to the alternative assessment, SDE will demonstrate how those performance standards are related to the performance standards of students without disabilities on the regular assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
5.2 How are public schools and LEAs held accountable for the progress of student subgroups in the determination of adequate yearly progress?	Public schools and LEAs are held accountable for student subgroup achievement: economically disadvantaged, major ethnic and racial groups, students with disabilities, and limited English proficient students.	State does not include student subgroups in its State Accountability System.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

As discussed in Principle 3, New Mexico will adopt annual measurable objectives and intermediate goals based on percentage proficient for all subject areas assessed. This practice will be applied to all subgroups in all public schools in New Mexico. Other academic indicators will not be disaggregated for public schools and school districts to determine AYP. However disaggregated groups will apply to safe harbor.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.3 How are students with disabilities included in the State's definition of adequate yearly progress?	<p>All students with disabilities participate in statewide assessments: general assessments with or without accommodations or an alternate assessment based on grade level standards for the grade in which students are enrolled.</p> <p>State demonstrates that students with disabilities are fully included in the State Accountability System.</p>	<p>The State Accountability System or State policy excludes students with disabilities from participating in the statewide assessments.</p> <p>State cannot demonstrate that alternate assessments measure grade-level standards for the grade in which students are enrolled.</p>
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

All students in New Mexico, in grades 3 through 9, are expected to participate in the assessment. Special needs students may be assessed in the same testing environment as their counterparts, with or without accommodations or, if it is determined to be appropriate, with an alternate test. The SDE has trained school districts and school personnel in the use of accommodations as allowed, and specified by the current testing company. The testing company selected for the development and implementation of the new CRT will continue the accommodations as specified. Accommodations come under three broad headings:

- Presentation
- Timing, and
- Response

(Exhibits 4, 11, 12, 13, 14, 15, 16, & 22)

IEP teams must determine if a student should take the test without accommodations and under regular administration circumstances. If this is not deemed appropriate, the team should next consider whether a student should be provided with accommodations and, if so, specify in writing what those accommodations are. Finally, the IEP team may consider whether an alternate assessment administration is appropriate. Districts have been instructed that few students qualify for alternate assessment and that the percentage of students taking this test must be aligned with national and state statistics on this issue.

The New Mexico Alternate Assessment was developed in 2000 by a volunteer team of people who have extensive experience with individuals with severe disabilities. The design team included parents and professionals with experience and expertise in assessment and in the education of students with severe disabilities, including mental retardation, autism, visual impairments, and multiple disabilities. These assessments, in regulation and in practice, are supported by IDEA Section 34 CFR Sections 300.138, 300.139, and 300.220.

The New Mexico Alternate Assessment is based upon the New Mexico State Content Standards with Benchmarks. These standards and benchmarks relate to instruction in the following areas: reading, writing, math, science, social studies, and language arts. Performance standards and benchmarks for kindergarten and 3- and 4-year-old children were expanded and mapped backwards in order to identify functional skills that were appropriate for students with the most significant disabilities for instructional and assessment purposes.

The New Mexico Alternate Assessment consists of four functional activities, including community participation, planning and creating a product, independent living, and caring for living things. It is

anticipated and expected that there will be further changes and modifications to the accountability system over time. It should be noted that NMSDE does not permit out of level testing under any circumstances.

The NMSDE fully expects that students with disabilities who receive special education services will participate in the statewide assessment program in one of the three following ways:

- Statewide standardized assessment
- Statewide standardized assessment with accommodations
- New Mexico Alternate Assessment

The NMSDE has issued guidance to school districts regarding allowable accommodations. In addition, the NMSDE has published and made available to districts a technical assistance manual on how to develop quality Individualized Education Programs (IEPs). This document assists IEP teams, including parents, in understanding the options for participation in the statewide assessment program.

Those students with disabilities that participate in the assessment, either with or without accommodations, will be held to the same achievement and accountability standards as their non-disabled peers. As indicated in Section 1.3 of this document, the SDE developed the *New Mexico Performance Descriptors for Language Arts and Mathematics*. These performance descriptors have been developed specifically for the new criterion-referenced tests (CRTs) in grades 4, 8, and 11.

Should the percent of students participating in the New Mexico Alternate Assessment exceed 1.0% of the total student population in a school, district, or the state, that excess percentage of students will be held to the general achievement standards. This would likely place those students at the lowest level of proficiency on the general assessments (Beginning Proficiency) given the significant nature of their disabilities.

Currently, the NMSDE is working toward meeting all requirements related to the assessment of students with disabilities, as well as the public reporting of test results for all students with disabilities. While proficiency levels have been established for the New Mexico Alternate Assessment, the process of developing technically sound student, school, and district reports is in the process of being completed. The NMSDE must meet all testing and reporting requirements by the deadline of May 30, 2003, established by the Office of Special Education Programs (OSEP). As the performance standards are developed and refined in relation to the alternative assessment, SDE will demonstrate how those performance standards are related to the performance standards of students without disabilities on the regular assessments.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?	<p>All LEP student participate in statewide assessments: general assessments with or without accommodations or a native language version of the general assessment based on grade level standards.</p> <p>State demonstrates that LEP students are fully included in the State Accountability System.</p>	LEP students are not fully included in the State Accountability System.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

Effective July 1, 1999, schools and school districts shall annually administer a standards-based criterion-referenced assessment to all students enrolled in a public school [NMSA 22-1-6.B]. This statute requires that all students in New Mexico must test using some form of assessment: norm-referenced standardized administration, norm-referenced with modifications, or alternate assessment.

New Mexico recognizes that many children come to school from culturally and linguistically diverse backgrounds. Complying with the requirements of the No Child Left Behind Act, the New Mexico standardized assessments are provided in the Spanish language for students who meet the threshold requirements based on language proficiency assessments. A Spanish language CRT will be used in calculating AYP in 2004-05. Policy in New Mexico stipulates that upon request and submission of appropriate documentation, an additional two years may be approved in which students may take the test in the Spanish language. This definition of English Language Learners (LEP) does not include students who have reached and maintained Full English Proficiency (FEP) at any time. Students from other backgrounds may not be able to take the Spanish language test, but may be able to take the English test with appropriate ELL accommodations.

In order to comply with the requirements of Federal and State laws, the following procedures/guidelines apply:

- (a) The accommodations listed in the checklist are allowed for ELL students on all New Mexico state-mandated tests. (This definition of English Language Learners (LEP) does not include students who have reached and maintained Full English Proficiency (FEP) at any time.)
- (b) Each school district is responsible for determining the appropriate assessments and/or appropriate test accommodations from the checklist to be utilized for testing of English Language Learners.( This definition of English Language Learners (LEP) does not include students who have reached and maintained Full English Proficiency (FEP) at any time.)
- (c) The district must maintain documentation regarding:
  - Number of students provided with accommodations;
  - Number of students exited from requiring accommodations;
  - Kind(s) of accommodations provided; and
  - Student progress in English language proficiency and academic achievement.
- (d) Decisions about using accommodations must be based on:
  - Annual review of student's progress in English language proficiency and academic achievement;
  - Student's current English language proficiency level;
  - Student's expected date for exiting ELL accommodations;

- Student's experience and time in the United States school system(s);
  - Student's familiarity with using accommodations under consideration;
  - Student's age; and
  - Student's grade level
- (e) The district must ensure that students do not receive accommodations without current justification supported by data. *It is expected that accommodations will not be required for students, year after year.* (This definition of English Language Learners (LEP) does not include students who have reached and maintained Full English Proficiency (FEP) at any time.)
- (f) Each school must appoint knowledgeable school personnel to ensure that its testing procedures comply with Federal and State requirements. Schools must utilize a Student Assistance Team (SAT) for the purpose of reviewing student progress and determining needed interventions and/or accommodations. Personnel designated to determine appropriate accommodations may include:
- Student's Bilingual or ESL-endorsed teacher;
  - Bilingual Education Program coordinator;
  - Student's other classroom teacher(s);
  - Test administrators/coordinators;
  - Principal/counselor;
  - Parent (when appropriate);
  - Student (when appropriate).
- (g) The accommodations provided should be familiar to the student from his/her classroom experience. The test situation should not be the first time the student has utilized the specific accommodation(s). Students should already have sufficient experience in the use and application of the accommodation being considered.
- (h) Oral translation of the reading subtest passages into a student's home or native language is not allowed. Only the test directions or questions may be translated into student's home language if feasible. For other content areas, test directions, questions/items and response choice options may be translated into student's home language if feasible.
- (i) Out-of-level testing will not be acceptable in New Mexico public schools. That is, a student in one grade level will not be allowed to substitute a lower grade-level test for the test appropriate for his/her actual grade level.

(Exhibit 10)

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>5.5 What is the State's definition of the minimum number of students in a subgroup required for reporting purposes? For accountability purposes?</p>	<p>State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.<sup>5</sup></p> <p>Definition of subgroup will result in data that are statistically reliable.</p>	<p>State does not define the required number of students in a subgroup for reporting and accountability purposes.</p> <p>Definition is not applied consistently across the State.</p> <p>Definition does not result in data that are statistically reliable.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

New Mexico will use a minimum number of 25 for all groups and subgroups for determining AYP and participation rates. For reporting purposes, the minimum number will be 10 for all groups and subgroups. New Mexico Statute NMAC 6.19.1 specifies the minimum number of students that is considered statistically valid and reliable. Accountability ratings are developed for small schools using the rolling average technique set forth in this statute to include all school districts and schools in the accountability system. These numbers provide the SDE a large enough sample size of students to use in making appropriate rating decisions about schools and school districts. (Exhibit 4)

Each year all small schools will participate in the New Mexico Accountability System. Assessment results for small schools shall be rated by utilizing the concept of “rolling averages.” For purposes of rating schools, a school is considered to be a small school if it has any one grade level with fewer than a total of 10 students enrolled. Once identified as a small school, a school will continue to be rated as a small school for three years before considering whether to rate it as a larger school. These data are configured by using all the students in attendance at the schools. All the scores for all the students for the past three years are considered as if they represented one class.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
5.6 How does the State Accountability System protect the privacy of students when reporting results and when determining AYP?	Definition does not reveal personally identifiable information. <sup>6</sup>	Definition reveals personally identifiable information.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

The policy for protecting student results and privacy for reporting results and determining AYP is a minimum number of 25. The policy of New Mexico will be consistent with the Family Educational Right and Privacy Act (FERPA) on reporting by student subgroup that will prevent individual student scores from being revealed to the public.

**PRINCIPLE 6. State definition of AYP is based primarily on the State’s academic assessments.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
6.1 How is the State’s definition of adequate yearly progress based primarily on academic assessments?	<p>Formula for AYP shows that decisions are based primarily on assessments.<sup>7</sup></p> <p>Plan clearly identifies which assessments are included in accountability.</p>	Formula for AYP shows that decisions are based primarily on non-academic indicators or indicators other than the State assessments.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

New Mexico’s definition of AYP is based primarily on academic assessments. In the current accountability system there are five (5) academic assessments (reading, language arts, math, science, and social studies) in the English language for which status accountability indicators or data points are assigned. There are 3 academic assessments (reading, language arts, and math) in the Spanish language for which status accountability indicators or data points are assigned. The CRT will be the primary assessment tool for AYP in grades 4, 8 and 11 starting in 2002-2003. Starting in 2004-2005, AYP will be based on the CRTs in grades 3 through 9 and 11. (Exhibits 4, 11, & 14)

The NMSDE is responsible for continuing to hold schools accountable for the academic achievement of children. In 2003-2004, we will use the current accountability system because NRT data are available for grades 3 through 9 and the New Mexico High School Competency Examination. During the 2003-2004 school year, NMSDE will meet the federal timeline waiver by developing and administering a CRT in grades 4, 8, and 11 for which data will not be available until winter 2003. In 2003-2004, the NMSDE will have data from which AYP decisions will be made for grades 4, 8, and 11. However, NMSDE will not have CRT data available for grades 3, 5, 6, 7, and 9 in the 2003-2004 school year. NMSDE will utilize NRT data for these grades. A combination of the old and new accountability systems will be applied to schools during the 2003-2004 school year ensuring that decisions will be based on AYP for the purposes of assigning schools to school improvement. However, if schools do not make AYP in grades 4, 8, and 11, they will be placed in the school improvement cycle. NMSDE has issued a Request for Proposals for the development of Criterion Referenced Assessments in grades 3 through 9 to be developed 18 months from the date of release. In 2004-2005 all schools will be assigned ratings based on AYP. Once CRTs are implemented in any grade it will be expected that the grade within the school/district will make AYP. If this does not occur the school will be assigned to school improvement status. NMSDE will assure that AYP decisions will be based on utilizing the current accountability system with NRTs in 2002-03 and in 2003-04, SDE will disaggregate according to required subgroups. In 2003-04 using the CRTs, SDE will continue the process.

**PRINCIPLE 7. State definition of AYP includes graduation rates for public High schools and an additional indicator selected by the State for public Middle and public Elementary schools (such as attendance rates).**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>7.1 What is the State definition for the public high school graduation rate?</p>	<p>State definition of graduation rate:</p> <ul style="list-style-type: none"> <li>• Calculates the percentage of students, measured from the beginning of the school year, who graduate from public high school with a regular diploma (not including a GED or any other diploma not fully aligned with the state's academic standards) in the standard number of years; or,</li> <li>• Uses another more accurate definition that has been approved by the Secretary; and</li> <li>• Must avoid counting a dropout as a transfer.</li> </ul> <p>Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause<sup>8</sup> to make AYP.</p>	<p>State definition of public high school graduation rate does not meet these criteria.</p>

**STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS**

At present the graduation rate in New Mexico is calculated as follows:

- Number of 12<sup>th</sup> grade graduates divided by the number of 12<sup>th</sup> graders enrolled on the school's 40<sup>th</sup> day of that same school year:

$$\frac{\text{Number of 12}^{\text{th}} \text{ grade graduates}}{\text{Number of 12}^{\text{th}} \text{ graders enrolled on the school's 40}^{\text{th}} \text{ day of that same school year}}$$

NMSDE will utilize this calculation as part of a school and district accountability status until data can be collected by four-year cohort. It is projected that the 9<sup>th</sup> grade students from school year 2002-2003 will be the first cohort, graduating in school year 2005-2006.

In school year 2005-2006 the number of graduates divided by the number of students in the cohort will be the calculated graduation rate for schools. The cohort will include the following (add):

- students enrolled in the 9<sup>th</sup> grade on the 40<sup>th</sup> day at a school in school year,
- students entering the cohort after that date by virtue of transfer from another school, and
- students entering the cohort as early graduates and are graduating with this cohort.

The cohort data for a secondary schools' graduation rate will not include (subtract):

- students who are verified transfers out (to another school, residential treatment center, juvenile detention center, or leave the US and its territories, etc.)
- students who are deceased
- students who graduate before their cohort and enter another by virtue of early graduation
- students who are reclassified/retained in the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, or 12<sup>th</sup> grades and will not graduate with their cohort

Students who drop out of school or enter a GED program or receive a GED diploma will not be subtracted from the cohort and will not be included in the number of graduating students.

The following equation is the suggested model for calculating cohort group graduation rates in New Mexico:

$$\begin{aligned} & (\text{students enrolled in 9}^{\text{th}} \text{ grade on the 40}^{\text{th}} \text{ day at a school in school year}) + \\ & (\text{students entering the cohort after that date by virtue of transfer from another school}) + \\ & (\text{students entering the cohort as early graduates and are graduating with this cohort}) - \\ & \quad (\text{students who are verified transfers out}) - \\ & \quad (\text{students who are deceased}) - \\ & (\text{students who graduate before their cohort and enter another by virtue of early graduation}) - \\ & (\text{students who are reclassified/retained in the 9}^{\text{th}}, 10^{\text{th}}, 11^{\text{th}}, \text{ or } 12^{\text{th}} \text{ grades and will not graduate with their} \\ & \quad \text{cohort}) = \end{aligned}$$

Established cohort group for denominator

The calculation, then for the graduation rate will be as follows:

$$\text{Actual graduates from the cohort receiving a four-year high school diploma} / \text{Established cohort group} = \text{percent of graduates for the cohort}$$

Section 22-1-8.4 NMSA 1978 of the New Mexico Public School Code defines eligibility for graduation as the successful completion of twenty-three units and passing of all portions of the New Mexico High School Competency Examination by the time students exits the 12<sup>th</sup> grade. The current requirement for the calculation of the graduation rate for all high schools in New Mexico (including regular public schools, alternative schools, and charter high schools) is the rate of high school seniors beginning the 12<sup>th</sup> grade who graduated at the end of the school year. Students who do not complete twenty-three units and pass all portions of the New Mexico High School Competency Exam are not included in the yearly graduation rate. Students who pass portions of the New Mexico High School Competency Examination following their 12<sup>th</sup> grade year are not included in their school's graduation rates. Students who complete high school via a GED are not included in a school's graduation rate. (Exhibit 3)

Beginning with students entering the 9<sup>th</sup> grade in the school year 1986-87, successful completion of a minimum of 23 units is required for graduation. No student shall receive a high school diploma who has not passed a state graduation examination in the subject areas of reading, English, math, writing, science, and social studies. (Exhibit 3)

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
7.2 What is the State's additional academic indicator for public elementary schools for the definition of AYP? For public middle schools for the definition of AYP?	<p>State defines the additional academic indicators, e.g., additional State or locally administered assessments not included in the State assessment system, grade-to-grade retention rates or attendance rates.<sup>9</sup></p> <p>An additional academic indicator is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause to make AYP.</p>	State has not defined an additional academic indicator for elementary and middle schools.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

As specified in NMAC 6.19.1, and Sections 22 and 22A NMSA 1978, and within the accountability matrix itself, the SDE will use the additional academic indicators of attendance rates for elementary, middle, and high schools, graduation rates for high schools, and dropout rates for middle and high schools in the rating system. The SDE has used the attendance rates and dropout rates within the New Mexico accountability system since the adoption of the current system. Attendance rates, graduation rates and dropout rates will be reported as aggregate wholes for schools, districts, and the state. Additionally, these indicators will be disaggregated at the school, district, and the state levels. Starting 2004-05, the science and social studies assessments will be used as indicators for AYP. (Exhibit 4)

Prior to the rating of schools in July/August of 2004, the New Mexico State Board of Education will be encouraged to adopt the following policy to support schools and meet federal regulatory requirements with regard to safe harbor:

- Use of safe harbor: If a subgroup or all students in a school or district does not meet annual measurable objectives, a safe harbor test will be applied to determine if AYP has been met.
- The safe harbor test can be applied to any year when a measurable objective has not been met.
- Operationally, if the percentage of students in the subgroup meeting proficient levels of performance represents a decrease of at least 10 percent in the percent of students not meeting proficient levels of performance in the previous year, and the subgroup makes progress on one or more of the other indicator(s) or is at or above the target, the subgroup will be considered to have met AYP [34 CFR 200.20].
- To qualify for safe harbor, all groups and subgroups must have tested at least 95% of the students in the groups and subgroups.
- All indicators will be disaggregated by subgroup to be used with safe harbor.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
7.3 Are the State's academic indicators valid and reliable?	<p>State has defined academic indicators that are valid and reliable.</p> <p>State has defined academic indicators that are consistent with nationally recognized standards, if any.</p>	<p>State has an academic indicator that is not valid and reliable.</p> <p>State has an academic indicator that is not consistent with nationally recognized standards.</p> <p>State has an academic indicator that is not consistent within grade levels.</p>
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

The new CRT assessments, to be fully implemented by school year 2004-2005, will be aligned with state standards and will meet nationally recognized technical quality. The additional academic indicators (attendance rates, dropout rates, and high school graduation rates) are valid and reliable. These data are evaluated and validated using an auditing system described below:

- Data are reliable and valid as is indicated by the accuracy of the system in rating schools and in identifying school improvement schools and corrective action schools.
- Data are verified through the review and analysis process implemented by SDE statisticians.
- Data are reviewed and analyzed by a local private contractor.
- Schools and districts are requested to review their data and check the accuracy in relation to school ratings.
- The attendance, dropout, and graduation rates are subject to a quality check system through the Accountability Data System (ADS) where data are transmitted and checked approximately every 40 days, on December 1, and the end of each school year.
- The SDE's Internal Auditing Unit randomly verifies dropout data as part of their regular, announced, random, comprehensive district audits. This group will audit attendance and graduation rates beginning with school year 2003-2004.

(Exhibit 23)

**PRINCIPLE 8. AYP is based on reading/language arts and mathematics achievement objectives.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>8.1 Does the state measure achievement in reading/language arts and mathematics separately for determining AYP?</p>	<p>State AYP determination for student subgroups, public schools and LEAs separately measures reading/language arts and mathematics.<sup>10</sup></p> <p>AYP is a separate calculation for reading/language arts and mathematics for each group, public school, and LEA.</p>	<p>State AYP determination for student subgroups, public schools and LEAs averages or combines achievement across reading/language arts and mathematics.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

The SDE will make AYP determinations for all student subgroups, all public schools and all school districts. The accountability system ensures that separate measures will be in place for reading,/language arts and mathematics for the criterion-referenced assessments in grade 4, 8, and 11, to be given for the first time in March 2003. However, if schools do not make AYP in grades 4, 8, and 11, they will be placed in the school improvement cycle. These same measures will be in place for all grades tested (3 through 9, and 11) in March 2005.

It is important to note that the current accountability system that is the basis for transition into the criterion-referenced, standards-based system of 2003-2004, provides separate measures for reading/language arts and mathematics. In the current accountability system separate data points are calculated for reading, language arts, mathematics, science and social studies.

In calculating AYP, schools and districts will be identified for improvement based on not making AYP for two (2) consecutive years in the same subjects. (Exhibits 4, 11, & 14)

**PRINCIPLE 9. State Accountability System is statistically valid and reliable.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.1 How do AYP determinations meet the State's standard for acceptable reliability?</p>	<p>State has defined a method for determining an acceptable level of reliability (decision consistency) for AYP decisions.</p> <p>State provides evidence that decision consistency is (1) within the range deemed acceptable to the State, and (2) meets professional standards and practice.</p> <p>State publicly reports the estimate of decision consistency, and incorporates it appropriately into accountability decisions.</p> <p>State updates analysis and reporting of decision consistency at appropriate intervals.</p>	<p>State does not have an acceptable method for determining reliability (decision consistency) of accountability decisions, e.g., it reports only reliability coefficients for its assessments.</p> <p>State has parameters for acceptable reliability; however, the actual reliability (decision consistency) falls outside those parameters.</p> <p>State's evidence regarding accountability reliability (decision consistency) is not updated.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

The assessments meet nationally recognized standards for technical quality. The additional academic indicators (attendance rates, dropout rates, and high school graduation rates) are also valid and reliable. These data are evaluated and validated using an auditing system described below in addition to the statistical measures provided by the testing company:

- Data are reliable and valid as is indicated by the accuracy of the system in rating schools and in identifying school improvement schools and corrective action schools.
- Data are verified through the review and analysis process implemented by SDE statisticians.
- Data are reviewed and analyzed by a local private contractor.
- Schools and districts are requested to review their data and check the accuracy in relation to school ratings.
- The attendance, dropout, and graduation rates are subject to a quality check system through the Accountability Data System (ADS) where data are transmitted and checked every 40 days, on December 1, and the end of each school year.
- The SDE's Internal Auditing Unit randomly verifies dropout data as part of their regular, announced, random, comprehensive district audits. This group will audit attendance and graduation rates beginning with school year 2003-2004.

(Exhibit 22)

New Mexico Statute NMAC 6.19.1 specifies the minimum number of students that is considered statistically valid and reliable. Accountability ratings are developed for small schools using the rolling average technique set forth in this statute to include all school districts and schools in the accountability system. The minimum number for all groups and subgroups for reporting and AYP will be 25. (Exhibit 4)

“Rolling Averages” means that all statewide test scores for the most current three consecutive school years in a subject area in a small school, regardless of what grades they represent. [NMAC 6.19.1.7.L] (Exhibit 4)

Assessment results for small schools shall be rated by utilizing the concept of “rolling averages” as data is available. For purposes of rating schools, a school is considered to be a small school if it has any one grade level with fewer than a total of 10 students enrolled. Once identified as a small school, a school will continue to be rated as a small school for three years before considering whether to rate it as a larger school. These data are configured by using all the students in attendance at the schools that have statewide test results. All the scores for all the students for the past three years are considered as if they represented one class. The median percentile is then determined and a status data point assigned based on this median. There are no growth data points for small schools. [NMAC 619.1.7. 8.A.3]

The appeals process that is in place will continue as specified in NMAC 6.19.1.9 E. A school that receives an overall rating of probationary for a first or second time and will enter either the performance-warned or the first year of school improvement categories, may appeal the rating to the Educational Standards Commission. The appeal must be made to the State Superintendent of Public Instruction (“State Superintendent”) in writing within twenty days of the school’s receipt of official notice of the school rating. The State Superintendent will designate staff to coordinate and process the appeal. If the Educational Standards Commission determines that additional data substantiates the appeal, a recommendation from the Educational Standards Commission that the school should be rated Meets Standards will be forwarded to the State Board of Education. The Educational Standards Commission will make the recommendation, based on findings of fact, to the State Board of Education. The State Board of Education will have final approval of the possible change of a school’s rating from probationary to meets standards. (Exhibit 4)

Appropriate high quality assessment data that can be considered during the rating appeals process include, but are not limited to, the following:

1. Standardized test data (other than state-mandated assessments)
  - a. Norm-referenced tests
    - i. Examples: *TerraNova, The Second Edition* (outside state-mandated grade levels), Iowa Test of Basic Skills, Northwest Educational Association Levels Tests, or SAT-9
  - b. Criterion-referenced tests (other than state-mandated assessments)
    - i. Examples: District designed tests that demonstrate student progress toward state Content Standards, Benchmarks, and Performance Standards
2. Other standards-based assessments aligned to state standards and of sufficient verifiable technical quality
3. Data which address other indicators may include verifiable district analyses and evaluation of attendance, dropout, or graduation rates.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
9.2 What is the State's process for making valid AYP determinations?	State has established a process for public schools and LEAs to appeal an accountability decision.	State does not have a system for handling appeals of accountability decisions.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

The assessments meet nationally recognized standards for technical quality. These data are evaluated and validated using an auditing system described below in addition to the statistical measures provided by the testing company:

1. Currently, the NMSDE data management system relies upon district-assigned student identification numbers. This practice tends to cause duplication and confusion; however, the NMSDE statistician and an externally contracted statistician match every piece assessment data entry by name, student ID number and date of birth.
2. Schools and districts are requested to review their data and check its accuracy in relation to school ratings.
3. New Mexico Statute NMAC 6.19.1 specifies the minimum number of students that is considered statistically valid and reliable. Accountability ratings are developed for small schools using the rolling average technique set forth in this statute to include all school districts and schools in the accountability system. The minimum number for all groups and subgroups for reporting and AYP will be 25.
4. The attendance, dropout, and graduation rates are subject to a quality check system through the Accountability Data System (ADS) where data are transmitted and checked every 40 days, on December 1, and the end of each school year.
5. The appeals process that is in place will continue as specified in NMAC 6.19.1.9 E. A school that receives an overall rating of probationary for a first or second time and will enter either the performance-warned or the first year of school improvement categories, may appeal the rating to the Educational Standards Commission. The appeal must be made to the State Superintendent of Public Instruction (“State Superintendent”) in writing within twenty days of the school’s receipt of official notice of the school rating. The State Superintendent will designate staff to coordinate and process the appeal. If the Educational Standards Commission determines that additional data substantiates the appeal, a recommendation from the Educational Standards Commission that the school should be rated Meets Standards will be forwarded to the State Board of Education. The Educational Standards Commission will make the recommendation, based on findings of fact, to the State Board of Education. The State Board of Education will have final approval of the possible change of a school’s rating from probationary to meets standards. (Exhibit 4)

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  - ii. Criterion-referenced tests (other than state-mandated assessments)

1. Examples: District designed tests that demonstrate student progress toward state Content Standards, Benchmarks, and Performance Standards
  - Other standards-based assessments aligned to state standards and of sufficient verifiable technical quality
  - Data which address other indicators may include verifiable district analyses and evaluation of attendance, dropout, or graduation rates.
6. The SDE's Internal Auditing Unit randomly verifies dropout data as part of their regular, announced, random, comprehensive district audits. This group will audit attendance and graduation rates beginning with school year 2003-2004. (Exhibit 4)

**Further plans for validity and reliability checks:**

During the recently completed legislative session (2003), the New Mexico Legislature appropriated funds for the development and implementation of a statewide, unique student identification system. When implemented, the NMSDE will be able to match assessment and student data management systems to determine attendance, enrollment, participation, etc. The statewide student identification system will ensure validity and reliability through an ongoing audit process.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>9.3 How has the State planned for incorporating into its definition of AYP anticipated changes in assessments?</p>	<p>State has a plan to maintain continuity in AYP decisions necessary for validity through planned assessment changes, and other changes necessary to comply fully with NCLB.</p> <p>State has a plan for including new public schools in the State Accountability System.</p> <p>State has a plan for periodically reviewing its State Accountability System, so that unforeseen changes can be quickly addressed.</p>	<p>State's transition plan interrupts annual determination of AYP.</p> <p>State does not have a plan for handling changes: e.g., to its assessment system, or the addition of new public schools.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

All public schools and school districts are being held to the same criteria. New Mexico is committed to maintaining a single accountability system that includes all requirements of NCLB. The current policies, regulations and state laws are designed for an accountability system that is based on a norm-referenced test model. The tests are administered in grades 3 through 9 and a high school competency exam is given beginning at grade 10 in both the English and Spanish Languages, with accommodations for English language learners and special needs students. Alternative tests are included for certain special needs students. In addition, the DIBELS reading assessment is being piloted in grades kindergarten through 3 with the intent to have this test in place in all New Mexico schools by school year 2003-2004. This is a standards-based, criterion referenced test designed to inform instruction and provide consistent and reliable information about the progress of students toward the goal that all students become proficient readers by the time they exit third grade. Once school and district level DIBELS data are gathered statewide, the NMSDE will engage in building a validity and reliability study to ensure alignment with state standards and school rating predictability. A CRT is being developed in grades 4, 8, and 11 and will be used in the accountability system starting 2002-03. It is anticipated and expected that there will be further changes and modifications to the accountability system over time. It should be noted that NMSDE does not permit out of level testing under any circumstances.

**NEW MEXICO STATE DEPARTMENT OF EDUCATION  
ACCOUNTABILITY SERVICES  
AYP TIMELINE**

<b>Elements</b>	<b>2001-02</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>
<b>Assessment and Period</b>	<ul style="list-style-type: none"> <li>• NRT grades 3 through 9</li> <li>• Academic achievement standards to be developed</li> </ul>	<ul style="list-style-type: none"> <li>• Spring CRT grades 4 and 8 (English)</li> <li>• NRT in grades 3 through 9 and High School Competency Examination (English and Spanish)</li> <li>• Field test grade 11 CRT</li> <li>• Academic achievement standards set Fall, 2003, for grades 4, 8, and Winter, 2003 for grade 11</li> </ul>	<ul style="list-style-type: none"> <li>• CRT at grades 4 and 8 (English)</li> <li>• NRT at grades 3,5,6,7,9 (English and Spanish)</li> <li>• Fall CRT at grade 11</li> <li>• Academic achievement standards implemented</li> </ul>	<ul style="list-style-type: none"> <li>• CRT grades 3 through 9 &amp; 11 (English and Spanish)</li> <li>• Develop academic achievement standards grades 3,5,6,7 and 9</li> </ul>
<b>Accountability System applied to all schools and school districts in New Mexico</b>	<ul style="list-style-type: none"> <li>• Current accountability system</li> </ul>	<ul style="list-style-type: none"> <li>• Calculate starting point for grades 4, 8, 11 in winter, 2003; separately in math and language arts (CRT/AYP)</li> <li>• Current accountability system applied to disaggregated categories grades 3-9 (Reported v. Used)</li> <li>• 95% participation applied to all groups and subgroups</li> </ul>	<ul style="list-style-type: none"> <li>• AYP applied to grades 4, 8, and 11 (CRT)</li> <li>• Schools must meet AYP. AYP supercedes all NRT scores.</li> <li>• Old accountability system applied to 3, 5, 6, 7, 9 (NRT)</li> <li>• Disaggregated categories applied to both systems for assessments</li> <li>• 95% participation applied to both systems for all groups and subgroups</li> </ul>	<ul style="list-style-type: none"> <li>• AYP fully implemented according to NCLB using data from grades 4,8 and 11</li> <li>• Calculate starting point for the state using data from grades 3 – 9 separately for all subject areas assessed.</li> <li>• 95% participation applied to both systems for all groups and subgroups</li> </ul>
<b>Identification of School and School District Improvement</b>	<ul style="list-style-type: none"> <li>• Ratings by October</li> </ul>	<ul style="list-style-type: none"> <li>• Ratings by August 1 for schools and districts for SY 03-04</li> </ul>	<ul style="list-style-type: none"> <li>• Ratings by August 1 for schools and districts for SY 04-05</li> </ul>	<ul style="list-style-type: none"> <li>• Ratings by August 1 for schools and districts for SY 05-06</li> </ul>
<b>School Improvement Sanctions and Rewards</b>	<ul style="list-style-type: none"> <li>• School choice and supplemental services</li> <li>• High Improving Schools rewards</li> <li>• Corrective Action</li> </ul>	<ul style="list-style-type: none"> <li>• School choice and supplemental services by 1<sup>st</sup> day of school</li> <li>• High Improving Schools rewards</li> <li>• Corrective Action</li> </ul>	<ul style="list-style-type: none"> <li>• School choice and supplemental services by 1<sup>st</sup> day of school</li> <li>• High Improving Schools rewards</li> <li>• Corrective Action</li> </ul>	<ul style="list-style-type: none"> <li>• School choice and supplemental services by 1<sup>st</sup> day of school</li> <li>• High Improving Schools rewards</li> <li>• Corrective Action</li> </ul>
<b>National Assessment of Educational Progress (NAEP)</b>	<ul style="list-style-type: none"> <li>• Schools and school districts must give the NAEP if chosen to do so.</li> </ul>	<ul style="list-style-type: none"> <li>• Schools and school districts must give the NAEP if chosen to do so.</li> </ul>	<ul style="list-style-type: none"> <li>• Schools and school districts must give the NAEP if chosen to do so.</li> </ul>	<ul style="list-style-type: none"> <li>• Schools and school districts must give the NAEP if chosen to do so.</li> </ul>

**PRINCIPLE 10. In order for a public school or LEA to make AYP, the State ensures that it assessed at least 95% of the students enrolled in each subgroup.**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>10.1 What is the State's method for calculating participation rates in the State assessments for use in AYP determinations?</p>	<p>State has a procedure to determine the number of absent or untested students (by subgroup and aggregate).</p> <p>State has a procedure to determine the denominator (total enrollment) for the 95% calculation (by subgroup and aggregate).</p> <p>Public schools and LEAs are held accountable for reaching the 95% assessed goal.</p>	<p>The state does not have a procedure for determining the rate of students participating in statewide assessments.</p> <p>Public schools and LEAs are not held accountable for testing at least 95% of their students.</p>
<p><b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b></p>		

Students tested and enrolled on the 40<sup>th</sup> day are considered enrolled for a full academic year. In the future, the 40<sup>th</sup> day will continue to be used. The 40<sup>th</sup> day is set by regulation 6.19.1 NMAC as the first day of reporting from the school districts to the SDE to establish enrollment numbers for funding as well as class size considerations, and teacher assignments. Assessment data for students enrolled on or before the 40<sup>th</sup> day will be assigned to the school in which they are tested. Assessment data for students enrolled after the 40<sup>th</sup> day will be assigned to the school district to assign the district rating.

SDE has a procedure to determine the number of absent or untested students (by subgroup and aggregate) in each of the assessments windows. The total number of students for the assessment in question will be divided by the total number of students enrolled in the school (by total group and subgroup) at the time of the administration of the assessment.

- For the high school assessment, the total number of students enrolled will be based on the 80<sup>th</sup> day enrollment.
- For elementary and middle school assessments given in the spring, the total number of students enrolled will be based on the 120<sup>th</sup> day enrollment.

These dates correspond to the testing windows for each test. The denominator (total enrollment) for the calculation of the 95% participation (by subgroup and aggregate) will be determined by this process. Data are gathered from the district transmissions on the 40<sup>th</sup>, 80<sup>th</sup>, 120<sup>th</sup>, December 1st, and the End-of-Year Reports for the Accountability Data System Student Files as described earlier in this document. (Exhibits 2, 4, & 17)

In calculating the 95% participation rate for all groups and subgroups within a school for the New Mexico High School Competency Examination (which is administered at the 80<sup>th</sup> day of enrollment) and the New Mexico Achievement Assessment Program, grades 3 through 9 (which is administered at the 120<sup>th</sup> day of enrollment), the denominator will be the number of individually tracked students who are identified by the individual, unique student identification number. Those students not in the cohort group tracked though the 40<sup>th</sup>, 80<sup>th</sup>, or 120<sup>th</sup> day enrollments will be assigned to the district level ratings.

Public schools and school districts will be held accountable for reaching the 95% assessed goal, for the proposed accountability models that will be implemented for the school years 2002-2003, 2003-2004, and 2004-2005.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
10.2 What is the State's policy for determining when the 95% assessed requirement should be applied?	State has a policy that implements the regulation regarding the use of 95% allowance when the group is statistically significant according to State rules.	State does not have a procedure for making this determination.
<b>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</b>		

Students tested and enrolled on the 40<sup>th</sup> day are considered enrolled for a full academic year. In the future, the 40<sup>th</sup> day will continue to be used. The 40<sup>th</sup> day is set by regulation 6.19.1 NMAC as the first day of reporting from the school districts to the SDE to establish enrollment numbers for funding as well as class size considerations, and teacher assignments. Assessment data for students enrolled on or before the 40<sup>th</sup> day will be assigned to the school in which they are tested. Assessment data for students enrolled after the 40<sup>th</sup> day will be assigned to the school district to assign the district rating.

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New Mexico will use a minimum number of 25 for all groups and subgroups within a school for determining AYP, for reporting purposes, and for determining participation rates. New Mexico Statute NMAC 6.19.1 specifies the minimum number of students that is considered statistically valid and reliable. SDE will use enrollment data from the 80<sup>th</sup> day as the denominator to calculate participation rates for the high school assessments. The 120<sup>th</sup> day will be used as the denominator to calculate participation rates for elementary and middle school (spring) testing. This will ensure the highest possible accuracy when calculating assessment participation rates.