

**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
Updated November 19, 2010**



**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.

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
Principle 1: All Schools	
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> .
F	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> .
Principle 2: All Students	
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> .
F	2.3 The accountability system properly includes <i>mobile students</i> .
Principle 3: Method of AYP Determinations	
F	3.1 Accountability system expects <i>all student subgroups, public schools, and LEAs to reach proficiency by 2013-14</i> .
F	3.2 Accountability system has a method for determining whether <i>student subgroups, public schools, and LEAs made adequate yearly progress</i> .
F	3.2a Accountability system establishes a <i>starting point</i> .
F	3.2b Accountability system establishes <i>statewide annual measurable objectives</i> .
F	3.2c Accountability system establishes <i>intermediate goals</i> .
Principle 4: Annual Decisions	
F	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

F	5.1	The accountability system <i>includes all the required student subgroups</i> .
F	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

F	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

F	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"> • 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, 9-10). 	<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>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

All 821 public schools in New Mexico receive public funds. Each public school in New Mexico is assigned a separate identification code. Of these schools, 586 public schools from 89 school districts receive Title I funds. Each of the 89 school districts and 4 state-chartered schools has a separate identification code. Alternative schools (state supported residential schools, including the School for the Visually Impaired, New Mexico School for the Deaf, and Juvenile Detention Facilities) have separate district codes. Locally-charter schools have the same district code from the district in which they are located and a separate school code.

New Mexico schools that contain some configuration of grades kindergarten through 2nd will be assigned the grade 3 data from the primary feeder schools “backwards” based on the New Mexico Standards Based Assessments for the determination of AYP. Similarly, schools with only 9th and 10th grades are assigned proficiencies from the 11th grade alumnae.

In situations where a feeder pattern is not available, e.g. newly formed charter schools without a tested grade level (grades 9 and 10), the school district’s achievement results for the appropriate grade band and AYP designation will be applied to the school until a tested grade level is established or the students are promoted to a tested grade level where back mapping is possible (see Critical Element 1.2). This rule is also applied to schools without any Full Academic Year (FAY) students, such as small schools with highly mobile student populations.

NEW MEXICO DEFINITIONS OF SCHOOL AND DISTRICT

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].

2. Local Charter School: A conversion school or start-up school within a school district authorized by the local school board, or within the state authorized by the State, to operate as a charter school.
3. State Charter School: A conversion school or start-up school independent of any district, authorized by the authorized by the State to operate as a charter school [Section 22-8B NMSA 1978].
4. 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.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

All New Mexico public schools are held to the same criteria when making an AYP determination by administering the New Mexico Standards Based Assessments in grades 3 through 8 and 11. NM applied starting points and AMOs consistently to all schools and sub groups. Furthermore all schools are expected to maintain 95% participation in the assessments for all groups and sub-groups with an N size of 40 or more, and all schools are held accountable for one additional academic indicator. The additional academic indicator will be attendance in elementary and middle schools and graduation in high schools with a 12th grade.

New Mexico schools that contain some configuration of grades kindergarten through 2nd are assigned the grade 3 data from the primary feeder schools “backwards” based on the New Mexico Standards Based Assessments for the determination of AYP. Schools that enroll only 9th or 10th grade students are evaluated on the test performance of their exited students tested in the 11th grade.

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>.¹</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>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

In preparing for the implementation of the CRTs at grades 4, 8, and 11, NMPED 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 NMPED staff. From these sessions, using the four-level descriptor method, "New Mexico Performance Descriptors for Language Arts and Mathematics" were developed. These descriptors were used with the Standards Based Assessments to describe student's performance. Through this work New Mexico established four levels of student proficiency: *Beginning Step*, *Nearing Proficiency*, *Proficient* and *Advanced*. It is anticipated and expected that there will be further changes and modifications to the accountability system over time.

New Mexico set achievement standards for the assessments in grades 3, 4, 5, 6, 7, 8, and 11 during the 2004-2005 school year and prior to the release of the assessment results and the calculation of AYP on August 1, 2005.

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>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

The testing contractor will work with the NMPED to have all demographic data back to school districts to review and validate by the beginning of May of each year. Data will be returned to the NMPED from the present contractors by early July, following each testing period. The NMPED 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.

New Mexico will make preliminary school improvement designations for new or reorganized schools based on estimated enrollment. Parental notification of a school's designation will occur before the start of the school year. All new or reorganized schools identified for improvement based on enrollment estimates will begin offering the appropriate level of interventions prior to the start of the school year. Final school improvement designations for new or reorganized schools will be based on actual student enrollment after the first reporting period rather than estimated enrollment prior to a school's opening. Schools that are not initially designated for improvement but whose school improvement designations change based on results of the enrollment audit must immediately begin offering services. Schools that act on preliminary school improvement designations and then find out they are not in improvement after the enrollment audit is completed in November will not be required to continue to offer required services. Eligibility for school improvement funds will be based on a school's AYP history as determined by the final enrollment audit.

The accountability system provides time for districts and schools to notify parents about public school choice or supplemental educational services and time for parents to make informed decisions. These timelines also provide sufficient time for the state to identify schools in improvement and to initiate the process for implementing technical assistance and support services.

CRITICAL ELEMENT	EXAMPLES FOR MEETING STATUTORY REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
<p>1.5 Does the State Accountability System produce an annual State Report Card?</p>	<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>
<p>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

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 NMPED website.

These data are combined and modified where necessary to accommodate the requirements of ESEA. Data 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 such 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.
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.

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? ²	State uses one or more types of rewards and sanctions, where the criteria are: <ul style="list-style-type: none"> • Set by the State; • Based on adequate yearly progress decisions; and, • Applied uniformly across public schools and LEAs. 	State does not implement rewards or sanctions for public schools and LEAs based on adequate yearly progress.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The New Mexico School Reform Act provides for rewards and sanctions to all public schools under:

22-2C-7. Adequate yearly progress; school improvement plans; corrective action.*

22-2C-8. Adequate Yearly Progress; supplemental incentive funding; state programs for other achievement.

22-2C-9. Incentives for school improvement fund; created; distributions.

The Incentives for School Improvement Award was created by the 1997 Legislature to give schools financial incentives to make outstanding gains on student assessments (§22-2C-8 and §22-2C-9, NMSA 1978). The size of the awards is determined by the level of improvement and school size. Schools that improved the most and had the largest student enrollment will receive the largest awards. The PED awarded a total of \$1,550,440 for improvements in 2006-2007.

The PED identified schools in two categories to receive awards. Schools that made AYP in 2006-2007 were identified for an award if they achieved above average increases in proficiency and were designated as schools in need of improvement at least once in the last three years. Thirty-Three of these schools were selected. Schools that Did Not Make AYP for the 2006-2007 school year were selected if they achieved above average increases in proficiency and only missed AYP by one subgroup (the subgroup that missed AYP was not All Students). Fifty-six of these schools were selected. Incentives for School Improvement Awards were suspended in school year 2008-2009 until the Legislature appropriates funding.

22-2C-10. Schools in need of improvement fund; created.

***New Mexico Public Education Department
SCHOOL REFORM ACT AND ESEA
DESIGNATIONS AND REQUIREMENTS**

School Improvement I:

- Notify parents at a public meeting of the school's designation
 - Develop/Revise/Implement a school improvement plan: Educational Plan for Student Success (EPSS)
 - Provide public school choice to students
- School Improvement II:***
- Notify parents at a public meeting of the school's designation
 - Implement the school improvement plan (EPSS)
 - Provide public school choice to students
 - Offer supplemental educational services (SES) to eligible students
- Corrective Action:***
- Notify parents at a public meeting of the school's designation
 - Implement the school improvement plan (EPSS)
 - Provide public school choice to students
 - Offer supplemental educational services (SES) to eligible students
 - Take one or more of the following measures:
 - Replace staff as allowed by law
 - Implement a new curriculum
 - Decrease management authority of the public school
 - Extend the school day or year
 - Change the public school's internal organizational structure

Restructuring I:

- Notify parents at a public meeting of the school's designation
- Provide public school choice to students
- Offer supplemental educational services (SES) to eligible students
- Develop an "alternative governance" plan that includes one of the following: Reopen the public school as a charter
 - Replace all or most of the staff as allowed by law
 - Turn over management of the public school to the department
 - Make other governance changes

Restructuring II:

- Notify parents at a public meeting of the school's designation
- Provide public school choice to students
- Offer supplemental educational services (SES) to eligible students
- Implement the "alternative governance" plan developed in Restructuring I

Public schools, charter schools, special state-supported schools, and LEAs that are not in school improvement status receive the designation "Progressing." This classification replaces "None."

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.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

New Mexico defines “public school” and LEA in the following ways:

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].
2. Local 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 [Section 22-8B-2-A NMSA 1978].
3. State Charter School : means a charter school authorized by the Public Education Commission [NMAC 6.80.7 (V)]
4. District means a public school district [Section 22-1-2-R NMSA 1978] District aggregates include students who are educated outside of the traditional school setting, such as students in residential treatment programs or are homebound for medical reasons. District aggregates do not include students in either local or state charter schools.
5. Each of these definitions includes all students receiving a public education. Additionally New Mexico assigns a school code to each public school in the state and requires that each public school with a code be included in the State Accountability System. Students who attend a “program” must be assigned to a school with a school code for accountability purposes.
6. The State Assessment System and the Student-Teacher Accountability Reporting System are aligned to ensure that data are collected on all students and allow for the auditing of schools to ensure that the State Accountability System includes all students.
7. New or Reorganized schools are subject to certain AYP inheritance rules. These definitions are helpful in understanding the transition and applicable rules:
Sending School is the school that existed prior to the reorganization, and it may or may not exist after the reorganization. Some or all students from the sending school will become students of the receiving school.

Receiving School is the school that is new or reorganized, and it may or may not have existed prior to the reorganization. Take as an example an existing school with grades K-5 that proposes to add a 6th grade. A number of the 5th graders from the existing school will become 6th graders in the new school, in which case the school qualifies both as a *sending* and a *receiving* school. In general, receiving schools will enroll students from multiple sending schools.

Counts and rates are limited to students arriving from tested grades 3-8, and 11. Therefore when a school reorganizes or is new, the projected enrollments are requested for grades 4-9 and 12. The actual counts and rates will be computed after the first reporting cycle in which the school has enrolled students.

Designation refers to school's AYP improvement level:

- a. No Designation (Progressing)
- b. School Improvement 1 (SI-1)
- c. School Improvement 2 (SI-2)
- d. Corrective Action (CA)
- e. Restructuring 1 (R-1)
- f. Restructuring 2 (R-2)

Inheritance refers to an AYP history from a sending school that is applied to a receiving school. The inherited AYP status will guide required accountability measures at the school. Historic proficiency and participation values provide an opportunity for the receiving school to participate in AYP averaging rules and Safe Harbor. Specifically, a qualifying receiving school will inherit from the prior year:

- a. School Met / Not Met
- b. School Designation
- c. Reading Met / Not Met
- d. Reading Designation
- e. Math Met / Not Met
- f. Math Designation
- g. Other Academic Indicator Met / Not Met
- h. Other Academic Indicator Designation
- i. Percent Proficient, Reading & Math
- j. Percent Participating, Reading & Math
- k. Percent Graduating or Attending

A receiving school will inherit AYP history from a sending school following these hierarchical business rules. That is, the second rule is applied only if the school does not meet the first rule, and so on:

1. **61% Single School:** When looking at enrollment of the receiving school, if 61% or more of the students tested in a prior year is represented by a single sending school, the receiving school will inherit the AYP history of the sending school. The AYP rating cycle continues without interruption.
2. **61% Mixed Schools** When looking at enrollment of the receiving school, if 61% or more of the students tested in a prior year is represented by multiple schools in some level of improvement (not *Progressing*), a student count results in one of two outcomes:
 - a. **Majority:** The receiving school will inherit the AYP history of the designation that represents the greatest proportion of students tested in the prior year. Where there are multiple schools with the same designation, the history will come from the school with the greater enrollment.
 - b. **Median:** If a majority does not exist, then the AYP history from the median school designation is applied. Sending schools will be ranked from least to most serious

designation. The historic AYP from the school represented by the median student will be applied.

3. **No Inheritance:** If school enrollment does not meet the criteria of either I or II, the school will not inherit any AYP history. The school will not be eligible for averaging rules or for Safe Harbor in its inaugural year.

New Mexico will make preliminary school improvement designations for new or reorganized schools based on estimated enrollment. Parental notification of a school's designation will occur before the start of the school year. All new or reorganized schools identified for improvement based on enrollment estimates will begin offering the appropriate level of interventions prior to the start of the school year. Final school improvement designations for new or reorganized schools will be based on actual student enrollment after the first reporting period rather than estimated enrollment prior to a school's opening. Schools that are not initially designated for improvement but whose school improvement designations change based on results of the enrollment audit must immediately begin offering services. Schools that act on preliminary school improvement designations and then find out they are not in improvement after the enrollment audit is completed in November will not be required to continue to offer required services. Eligibility for school improvement funds will be based on a school's AYP history as determined by the final enrollment audit.

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>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

New Mexico defines a student enrolled for a “full academic year” for AYP purposes as a student who has been enrolled from 120th day prior year to 120th day current year, for a period not to exceed 365 days. Achievement scores for students that test in a different school or district will be counted in their funded FAY school or district. Information from the Student-Teacher Accountability Reporting System is used to determine student full academic year status.

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>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

The NMPED has developed in the Student-Teacher Accountability Reporting System a process for recording a full year academic year of enrollment for the purpose of tracking students enrolled for a full academic year and who transition from one grade configuration to the next (elementary school to middle school and middle school to high school). Students who change schools within the same school district because of a change in grade configurations are counted as full academic year in their current school if they are included in the 40th day and 80th day enrollment. This definition and process is applied to each public school and LEA in New Mexico. Data from Student-Teacher Accountability Reporting System and the 120th day enrollment is used to document enrollment for a full academic year.

This process allows the NMPED to verify student enrollment for a full academic year and also provides a method for auditing schools and districts for student enrollment.

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
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?	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 ³ and mathematics, not later than 2013-2014.	State definition does not require all students to achieve proficiency by 2013-2014. State extends the timeline past the 2013-2014 academic year.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The NMPED recognizes the need for all students to demonstrate proficiency by school year 2013-2014 in reading, and mathematics. For 2003-2004, AYP determinations were calculated using results from grades 4, 8, and 11 standards-based assessments. Beginning with the 2004-2005 SY and the implementation of new standards-based assessments, AYP is calculated using the results from the Standards Based Assessment grades 3 through 8 and 11. Proficiency trajectories were recalibrated in the summer of 2005. All students in New Mexico will be proficient by 2013-2014. This timeline will apply to all groups and subgroups in all public schools in New Mexico.

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 under Safe Harbor. Safe Harbor provides that the percentage of students in that subgroup who were not proficient in a prior year in math or reading must decrease by 10% from the preceding public school year; that the subgroup meets requirements for the other academic indicator (attendance or graduation); and that subgroup met the 95% participation rate on the statewide assessment.

A district shall be identified in need of improvement when it does not make AYP in the same area for two consecutive years. Districts which fail to meet annual measurable objectives or Safe Harbor in the same content area (math and reading/language arts) or the additional indicator (attendance rate or graduation rate) for two consecutive years are identified as in LEA Improvement status. District improvement status progresses each year AYP is not met, through District Improvement I, District Improvement II, Corrective Action I, and Corrective Action II. Districts must successfully make AYP in the subject area for two consecutive years to return to Progressing.

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 NMPED is responsible for holding all schools and school districts accountable for the academic achievement of all children. Determinations are calculated using results from grades 3-8 and 11 standards-based assessments. Schools and districts that do not make AYP will receive the designation specified in federal statute. Determinations of whether a school or school district has made adequate yearly progress are based on achievement of the annual measurable objectives for proficiency, participation rates, and one additional academic indicator.

A district shall be identified as in need of improvement only when it does not make AYP in the same subject area for two consecutive years or fails to meet the additional indicator for two consecutive years.

Under provisions of Senate Bill 911, which gives the Secretary of Education the authority to establish regulation, New Mexico adopted 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, the percentage of non-proficient students in the subgroup must decrease by at least 10 percent over the prior year
- The subgroup must meet other academic indicators (graduation or attendance) and participation (95%) [34 CFR 200.20]
- To qualify for safe harbor, schools must be in existence for 2 years, and subgroups must meet minimum group sizes for proficiency in the prior and current years.
- All indicators are disaggregated by subgroup to allow the application of safe harbor.

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 20th 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

Under its timeline waiver agreement for the 1994 IASA standards and assessment requirements, NM established starting points for grades 4 and 8 from standards-based assessments administered in 2002-2003 and for grade 11 from standards-based assessments administered in 2003-2004. In 2005, New Mexico implemented new Standards Based Assessments in Grades 3 through 9, and New Mexico moved its 11th grade Standards Based Assessment from the fall to the spring in the 2004-2005 school year. The addition of new assessments necessitated a recalibration in the proficiency trajectories for reading/language arts and mathematics that year. New Mexico applied the methodology prescribed in federal legislation for annual measurable objectives and intermediate goals, ensuring that all students are proficient by 2013-2014. In spring of 2008, Standards Based Assessments were administered in Grades 3-8 and 11.

The annual measurable objectives and intermediate goals are the same for all groups and subgroups in New Mexico's public schools and school districts. Please see tables in Critical Element 3.2b

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
3.2b What are the State's annual measurable objectives for determining adequate yearly progress?	<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>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

New Mexico uses a non-linear model for determining improvement in AYP. The model emphasizes an initial gradual increase in performance in the beginning years, a significant increase in the middle years, and slight increases in the final years, leading to 100% proficient by 2014. Consistent with the statute, NM's intermediate goals will increase in equal increments.

The AMOs for each grade configuration are presented in the following charts.

Starting Points, Annual Measurable Objectives Kindergarten – Grade 5					
	Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
	2005	2004-05	P/K-05	40.85	24.13
	2006	2005-06	P/K-05	45.00	28.00
	2007	2006-07	P/K-05	49.00	33.00
	2008	2007-08	P/K-05	59.00	44.00
	2009	2008-09	P/K-05	63.00	50.00
	2010	2009-10	P/K-05	67.00	57.00
	2011	2010-11	P/K-05	77.00	68.00
	2012	2011-12	P/K-05	81.00	79.00
	2013	2012-13	P/K-05	90.00	89.00
	2014	2013-14	P/K-05	100.00	100.00

Starting Points, Annual Measurable Objectives
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Kindergarten – Grade 6				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	P/K-06	36.00	19.40
2006	2005-06	P/K-06	40.00	23.00
2007	2006-07	P/K-06	44.00	28.00
2008	2007-08	P/K-06	55.00	41.00
2009	2008-09	P/K-06	59.00	47.00
2010	2009-10	P/K-06	63.00	54.00
2011	2010-11	P/K-06	74.00	67.00
2012	2011-12	P/K-06	78.00	77.00
2013	2012-13	P/K-06	89.00	87.00
2014	2013-14	P/K-06	100.00	100.00

Starting Points, Annual Measurable Objectives Kindergarten – Grade 8				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	P/K-08	36.79	15.28
2006	2005-06	P/K-08	41.00	19.00
2007	2006-07	P/K-08	45.00	24.00
2008	2007-08	P/K-08	56.00	38.00
2009	2008-09	P/K-08	60.00	44.00
2010	2009-10	P/K-08	64.00	51.00
2011	2010-11	P/K-08	75.00	65.00
2012	2011-12	P/K-08	79.00	76.00
2013	2012-13	P/K-08	89.00	86.00
2014	2013-14	P/K-08	100.00	100.00

Starting Points, Annual Measurable Objectives Grade 6 – Grade 8				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	06-08	34.14	10.58
2006	2005-06	06-08	38.00	15.00
2007	2006-07	06-08	42.00	20.00
2008	2007-08	06-08	53.00	35.00
2009	2008-09	06-08	57.00	41.00
2010	2009-10	06-08	61.00	48.00
2011	2010-11	06-08	72.00	63.00
2012	2011-12	06-08	76.00	74.00
2013	2012-13	06-08	89.00	85.00
2014	2013-14	06-08	100.00	100.00

Starting Points, Annual Measurable Objectives Grade 7 – Grade 8				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO

2005	2004-05	07-08	37.17	10.75
2006	2005-06	07-08	41.00	15.00
2007	2006-07	07-08	45.00	20.00
2008	2007-08	07-08	56.00	35.00
2009	2008-09	07-08	60.00	41.00
2010	2009-10	07-08	64.00	48.00
2011	2010-11	07-08	75.00	63.00
2012	2011-12	07-08	79.00	74.00
2013	2012-13	07-08	89.00	85.00
2014	2013-14	07-08	100.00	100.00

Starting Points, Annual Measurable Objectives Grade 7 – Grade 12				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	07-12	37.30	14.42
2006	2005-06	07-12	41.00	18.00
2007	2006-07	07-12	45.00	23.00
2008	2007-08	07-12	56.00	37.00
2009	2008-09	07-12	60.00	43.00
2010	2009-10	07-12	64.00	50.00
2011	2010-11	07-12	75.00	64.00
2012	2011-12	07-12	79.00	75.00
2013	2012-13	07-12	89.00	86.00
2014	2013-14	07-12	100.00	100.00

Starting Points, Annual Measurable Objectives Grade 9 – Grade 12				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	09-12	37.30	18.29
2006	2005-06	09-12	41.00	22.00
2007	2006-07	09-12	45.00	27.00
2008	2007-08	09-12	56.00	40.00
2009	2008-09	09-12	60.00	46.00
2010	2009-10	09-12	64.00	53.00
2011	2010-11	09-12	75.00	66.00
2012	2011-12	09-12	79.00	77.00
2013	2012-13	09-12	89.00	87.00
2014	2013-14	09-12	100.00	100.00

Starting Points, Annual Measurable Objectives Kindergarten – Grade 12				
Report Year	Test Year	AMO TYPE	Reading AMO	Math AMO
2005	2004-05	P/K-12	37.23	15.79
2006	2005-06	P/K-12	41.00	20.00
2007	2006-07	P/K-12	45.00	25.00

2008	2007-08	P/K-12	56.00	39.00
2009	2008-09	P/K-12	60.00	45.00
2010	2009-10	P/K-12	64.00	52.00
2011	2010-11	P/K-12	75.00	66.00
2012	2011-12	P/K-12	79.00	76.00
2013	2012-13	P/K-12	89.00	86.00
2014	2013-14	P/K-12	100.00	100.00

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> MEETING REQUIREMENTS
<p>3.2c What are the State's intermediate goals for determining adequate yearly progress?</p>	<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"> • The first incremental increase takes effect not later than the 2004-2005 academic year. • Each following incremental increase occurs within three years. 	<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>

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

The incremental goals are represented in years 2008, 2011, and 2014 and are relatively linear. For goals see Critical Element 3.2b.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT 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. ⁴	AYP decisions for public schools and LEAs are not made annually.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

New Mexico PED calculates AYP for each school and school district based on the results of the State's Standards Based Assessment in grades 3 through 8 and 11. AYP determinations are based on:

- 95 % of all students enrolled at the time of testing must be assessed
- All elementary and middle schools must demonstrate attendance rates of 92%
- All high schools must demonstrate progress toward the goal of 85% graduation
- All students must demonstrate progress toward the goal of 100% proficiency
-

The business rules detailing these determinations are found on the NMPED website: <http://www.ped.state.nm.us/ayp2009/index.html>

The NMPED notifies each school and district as to whether or not AYP was achieved by August 1, prior to the start of the school year.

In the 2004 – 2005 school year the NMPED implemented an individual student identification system and a data warehouse (Student Teacher Accountability and Reporting System – STARS). NMPED utilizes these systems to determine attendance, enrollment, participation, full academic year, and other relevant accountability criteria. STARS submissions ensure data quality through monthly audits of student, school, and district validity and reliability.

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.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The following subgroups are required to make AYP and are disaggregated for reporting purposes in New Mexico statute (§ 22-2C-5, NMSA 1978):

- I. Race/Ethnicity:
 - Caucasian/White not of Hispanic origin
 - Black, not of Hispanic origin
 - Hispanic
 - Asian/Pacific Islander
 - American Indian/Alaskan native
- II. Economically disadvantaged students
- III. Students with disabilities
- IV. ELL (LEP) students
- V. Gender. While state statute requires that all accountability reports include disaggregated information by gender, this information is not included in AYP determinations.

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.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

As discussed in Principle 3 the following subgroups are included for making AYP determinations:

1. Race/Ethnicity:
 - a. Caucasian/White not of Hispanic origin
 - b. Black, not of Hispanic origin
 - c. Hispanic
 - d. Asian/Pacific Islander
 - e. American Indian/Alaskan native
2. Economically disadvantaged students
3. Students with disabilities
4. ELL (LEP) students

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 reports are sent to schools and districts for verification of demographic data. Schools may review their data, identify potential errors, and make corrections. Revised data reports are then used to calculate AYP for each subpopulation in each school and school district. The implementation of the Student-Teacher Accountability Reporting System and an individual student identification system allows teachers to verify student data to ensure that all schools and school districts are accountable for all students in each subgroup. This process also provides data which is used to audit schools and districts regarding accountability for all students in each subgroup.

Each year NMPED audits data for special populations by comparing two sources: 1) the data warehouse and 2) Standards Based Assessments. The data submission that is closest to the test window is used to verify sizes of subgroups. Any data discrepancies are investigated and resolved. Specifically, the NMPED verifies the following information:

- Special education status
- Type of assessment – general or alternate
- Manner of participation in the general assessment – accommodated or standard

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> 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>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The NMPED has established statewide policies including students with disabilities in the State's assessment system:

Each local educational agency and other public agencies when applicable shall include children with disabilities in all statewide and district-wide assessment programs, with appropriate accommodations and modifications in administration if necessary. LEAs shall use the current criteria, standards, methods and instruments approved by the Department for accommodations and modifications as specified in a student's IEP and for alternate assessments for the small number of students for whom alternate assessments are appropriate. Each public agency shall collect and report performance results in compliance with the requirements of 34 CFR Sec. 300.139 and any additional requirements established by the Department.

Further, NMPED's technical assistance manual, *Participation of Students with Disabilities in the New Mexico Statewide Assessment Program*, excerpted below, provides guidance to IEP teams on how a student should participate in state-mandated testing and on selecting appropriate accommodations:

All students with disabilities will participate in the statewide assessment program in one of three ways:

- Standard administration of the general assessment in the exact same manner as their non-disabled peers (without accommodations).
- Administration of the general assessment with appropriate accommodations.
- Alternate Assessment

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

1. Accommodations are allowed for students with disabilities on all New Mexico state-mandated tests.
2. Each school district is responsible for determining the appropriate assessments and/or appropriate test accommodations from the checklist to be utilized for testing of Students with Disabilities.
3. The district must maintain documentation regarding:
 - a. Number of students provided with accommodations;
 - b. Number of students exited from requiring accommodations;
 - c. Kind(s) of accommodations provided.

4. The district must ensure that students do not receive accommodations without current justification supported by data.
5. Each school must appoint knowledgeable school personnel to ensure that its testing procedures comply with Federal and State requirements.
6. 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.
7. 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.

Students with significant disabilities who are unable to participate in the general assessment, even with accommodations, may participate in the New Mexico Alternate Assessment provided they meet the participation criteria.

Students with disabilities are included in the New Mexico's Definition of Adequate Yearly Progress through State Statute and by their participation in the state assessment program. Data generated from the Student-Teacher Accountability Reporting System and from assessment data files are used to ensure that students with disabilities are included in the New Mexico definition and application of AYP. For the purposes of AYP, New Mexico has developed Performance Level Descriptors for the Alternate Assessment which are linked to the coherent assessment plan. New Mexico will cap proficient scores resulting from all assessments based on alternate achievement standards at 1.0 percent for school districts and the state.

In 2007-08 New Mexico implemented the one-year flexibility in 2007-2008 described in Transition Option 1 of Education Secretary Margaret Spellings' letter of May 10, 2005. The option was discontinued in 2008-09.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> 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.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

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].

Beginning in 2004-2005, a Spanish language test was used in calculating AYP. 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. Students from other language backgrounds take the English test with appropriate accommodations.

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

1. The accommodations listed in the checklist are allowed for ELL students on all New Mexico state-mandated tests.
2. 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.
3. 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.
4. 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
5. The district must ensure that students do not receive accommodations without current justification supported by data.
6. 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).
7. 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.
 8. 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.
 9. 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.

ELL students included in the State’s assessments are included in the New Mexico’s definition of Adequate Yearly Progress through State Statute and by their participation in the state assessment program. Data generated from the Student-Teacher Accountability Reporting System and from Assessment Data Files are used to ensure that ELL students are included in the New Mexico definition and application of AYP.

The New Mexico Public Education Department will allow ELL students who are not taking the SBA in Spanish, and only during their first year of enrollment in U.S. schools, to be assessed in English with the English language proficiency assessment instead of the reading/language arts assessment.

The ELL students assessed by English language proficiency assessment can be counted toward meeting the 95 percent assessment participation requirement for AYP determinations for reading/language arts even if they did not take the reading/language arts assessment. Additionally, the first year that a student is identified as an ELL student will be counted as the first of the three years in which a student may take the reading/language arts assessment in his/her native language. Districts will be responsible for compiling and reporting data for tracking those students.

New Mexico will take advantage of flexibility provided under ESEA that all former ELL students to be counted as ELL for AYP purposes for two additional years after exiting ELL programming and services.

New Mexico adopted the definition for English language learner (previously called Limited English Proficient – ELL/LEP) students from the ESEA Act Title IX-Part A:

English Language Learner when used with respect to an individual, means an individual—

- (A) who is age 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
 - (i) who was not born in the United States or whose native language is a language other than English;
 - (ii) (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or

- (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
 - (i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
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>State defines the number of students required in a subgroup for reporting and accountability purposes, and applies this definition consistently across the State.⁵</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>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

For schools and districts New Mexico will use a minimum count of 25 students in a subgroup for determining AYP, 10 for reporting purposes, and 40 for determining participation rates. Accountability ratings for small schools (with fewer than 25 students in the All Students group) and small districts (with fewer than 40 students in the All Students group) shall be allowed an alternate proficiency calculation that accumulates students. Student proficiencies will be accumulated with the previous one or two years, until a minimum group size is met, in order to provide a larger population of students for rating schools and school districts.

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. ⁶	Definition reveals personally identifiable information.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

New Mexico policy requires a minimum group size of 10 students for reporting results in the calculation of AYP to protect the privacy of students. The policy of New Mexico will be consistent with the Family Educational Rights and Privacy Act (FERPA) to prevent public disclosure of individual student scores.

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.⁷</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.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

New Mexico’s determination of AYP is based primarily on academic assessments, comprised of the New Mexico Standards Based Assessments (SBA), which is administered to the general student population and the New Mexico Alternate Performance Assessment (NMAPA), which is the State’s alternate assessment based on alternate achievement standards for students with significant cognitive disabilities. These assessments measure student achievement in reading and mathematics in the grade levels and grade spans, as indicated in the table below.

Assessment	Student Population	Grade Levels	AYP Academic Content Areas
New Mexico Standards Based Assessment	General Assessment	3, 4, 5, 6, 7, 8, 11	Reading, Mathematics
New Mexico Alternate Performance Assessment	Alternate Assessment Based on Alternate Achievement Standards (1%)	3-4, 5-6, 7-8, 9-10, 11-12	Reading;
		3-4, 5-6, 7-8, 9-12	Mathematics

AYP is calculated based on student performance on the Standards Based Assessments as described in sections 1.3, 3.1, 3.2 , 3.2a and 3.2b of this document.

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
7.1 What is the State definition for the public high school graduation rate?	<p>State definition of graduation rate:</p> <ul style="list-style-type: none"> • Calculates the percentage of students, measured from the beginning of the cohort 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, • Uses another more accurate definition that has been approved by the Secretary; and • Must avoid counting a dropout as a transfer. <p>Graduation rate is included (in the aggregate) for AYP, and disaggregated (as necessary) for use when applying the exception clause [1]⁸ to make AYP.</p>	State definition of public high school graduation rate does not meet these criteria.

STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS

New Mexico’s transition to a 4-year cohort calculation began with AYP reporting in 2009. The graduation rate was comprised of the number of first time 9th graders in 2004-2005 that successfully met graduation requirements by August 1, 2008. New Mexico uses the 4-year cohort graduation rate for determining adequate yearly progress. Beginning in school year 2009, New Mexico also calculates a 5-year cohort graduation rate (§22-13-1.1, NMSA 1978) that is reported in School District Report Cards and State Report Cards along with the 4-year cohort rate. The 5-year cohort is comprised of students from the 4-year cohort who have been allowed one additional year to graduate. The calculation utilizes a *Shared Accountability* method, which is fully described on the NMPED website at: <http://www.ped.state.nm.us/Graduation/index.html>

The cohort includes the following:

- students enrolled as first-time 9th graders in the first year of the cohort
- students entering the cohort as 10th, 11th or 12th graders in subsequent years 2, 3, and 4

- students who were granted greater than 4 years to graduate by their IEP

The cohort does not include:

- students who transfer out to a non-PED educational setting (i.e. private, Bureau of Indian Education, out-of-state, home, or out-of-country school), or to a residential treatment center or juvenile detention without public education
- students who are deceased
- students who emigrate from the U.S. and its territories
- foreign exchange students

Students who drop out of school or enter a GED program or receive a GED diploma are not subtracted from the cohort and are included in the rate as a non graduate. A student with disabilities will be counted as graduating on time if the student’s individualized educational plan (IEP) calls for extra years of high school beyond the age of eighteen and the student graduates with a standard diploma. Students who fail to meet their anticipated graduation year (i.e. 4-year, 5-year, or 6-year) are counted as a non-graduate in that year’s rate, and are excluded from future graduation rates.

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 12th grade. Students who do not complete twenty-three units and pass all portions of the New Mexico High School Competency Exam are considered non-graduates in the yearly graduation rate.

Each high school will meet the Other Academic Indicator for AYP if they meet the Annual Measurable Objective for graduation. For small schools with fewer than 30 students in the cohort, an alternate method will be allowed to accumulate students over either a 2-year or 3-year retrospective span until 30 or more students are available in the cohort.

The annual measurable objectives for graduation are below. There is no confidence interval applied. Rates are rounded using

AMO Targets for Graduation													
	Graduating Class of												
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Graduated	52%	63%	65%	67%	69%	71%	73%	75%	77%	79%	81%	83%	85%
Reporting Yr	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> 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.⁹</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.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The NMPED uses the additional academic indicator of attendance rates for elementary and middle schools. Schools must achieve a 92% attendance rate in grades K through 8 in order to achieve AYP. Attendance rates are disaggregated by subgroup for the safe harbor provision, but are reported only as aggregate wholes for AYP.

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF <i>NOT</i> 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>
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

The additional academic indicators (attendance and graduation rates) are valid and reliable. All data are evaluated and validated using an auditing system described below:

- Data are verified through the review and analysis process implemented by NMPED statisticians.
- Data are reviewed and analyzed by a private contractor.
- Schools and districts are requested to review their data and check its accuracy in relation to school ratings.
- The attendance and graduation rates are subject to a quality check system through the Student-Teacher Accountability Reporting System where data are transmitted and checked approximately every 40 days, on December 1, and the end of each school year.
- The NMPED verifies dropout data as part of their regular, announced, random, comprehensive district audits.

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.¹⁰</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>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

New Mexico measures academic achievement in reading/language arts and mathematics separately through its standards based assessments in grades 3 through 8, and 11. All AYP ratings for these measures are determined separately.

In calculating AYP, schools and districts are identified for improvement based on failing AYP for two (2) consecutive years on the same subject.

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>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

The assessments meet nationally recognized standards for technical quality. The additional academic indicators (attendance 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 verified through the review and analysis process implemented by NMPED statisticians.
- Data are reviewed and analyzed by a local private contractor.
- Schools and districts are requested to review their data and check its accuracy in relation to school ratings.
- The attendance, dropout, and graduation rates are subject to a quality check system through the Student-Teacher Accountability Reporting System where data are transmitted and checked every 40 days, on December 1, and the end of each school year.
- The NMPED verifies data as part of their regular, announced, random, comprehensive district audits.

Upon notification of their identification as a school in need of improvement; schools may request a data review if they believe that the data used in calculating their performance is inaccurate or has been calculated incorrectly. The school has ten working days to request a data review and the NMPED has 30 days to review the data. Final determination does not occur until the completion of this review; if the school is proven correct its designation will be changed accordingly.

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.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

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. NMPED in cooperation with the test publishers provides pre-coded labels with unique individual student identification numbers and other demographic data.
2. Schools and districts review their data and check its accuracy in relation to school demographics before assessments are returned to the publisher for scoring.
3. NMPED provides schools and districts a mechanism to review demographic data while assessments are being scored to ensure that the data matches data in the Student-Teacher Accountability Reporting System.
4. The attendance and graduation rates are subject to a quality check system through the Student-Teacher Accountability Reporting System where data are transmitted and checked every 40 days, on December 1, and the end of each school year.
5. Schools and districts are required to verify the accuracy of data in relation to school ratings prior to final certification.

New Mexico uses a minimum group size of 25 and a 99% confidence interval in performing school AYP calculations. New Mexico applies the confidence interval to AYP performance calculations and not to safe harbor calculations. The purpose of applying a confidence interval is to improve the reliability of accountability determinations, particularly when group sizes are small.

Upon notification of their identification as a school in need of improvement; schools may request a data review if they believe that the data used in calculating their performance is inaccurate or has been calculated incorrectly. The school has ten working days to request a data review and the NMPED has 30 days to review the data. Final determination will not occur until the completion of this review; if the school is proven correct its designation will be changed accordingly.

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 ESEA.</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>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

New Mexico analyzes its assessments and works with the psychometricians of testing companies to ensure comparability and compatibility of assessments and expectations as test are refined and modified. New Mexico applied this process as it transitioned from assessments at grades 4 and 8 to assessments in grades 3 through 9. Changing the 11th grade assessment from fall to spring required that New Mexico work with the publisher to accommodate the required changes.

The NMPED examines changes in assessments transferred to a new contractor and the impact of cut scores on those assessments. Bridging studies are utilized to assure continuity of proficiency determinations.

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>STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS</p>		

The NMPED determines participation rates in the state assessments for use in AYP determinations. Schools are provided with a sufficient number of test booklets for every student enrolled in the school in the grades tested at the time of testing. All test booklets are returned to the publisher with appropriate demographic data completed. Completed tests are scored, and the reason for not testing or completing the test is recorded on test booklets that were not completed. The numerator is the scored tests. The denominator is the total number of test booklets. Only a limited number of reasons, such as withdrawn from school prior to the completion of testing, merit a student being excluded from the denominator. Comparisons to the Student-Teacher Accountability Reporting System on the enrollment closest to the testing window provides a validity check to verify that schools have returned test booklets for all enrolled students.

Public schools and school districts are held accountable for reaching the 95% assessed goal, in both aggregated and sub-groups. New Mexico uses Department of Education guidance allowing the use of two and three year averages of participation rates to meet the 95% target.

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.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

Participation is calculated for any district or school subgroup consisting of 40 or more students.