



Analysis of the New Mexico Every Student Succeeds Act (ESSA) Consolidated State Plan

April 15, 2017

New Mexico submitted its plan to the U.S. Dept. of Education (ED) on April 3, 2017.

- **New Mexico ESSA State Plan:**

- http://ped.state.nm.us/ped/ESSA_docs/04112017/NMStatePlan.pdf

- **New Mexico ESSA Plan Appendices:**

- http://ped.state.nm.us/ped/ESSA_docs/04112017/ESSAAppendicesA-Y_jg_1.pdf

- **New Mexico ESSA Executive Summary**

- http://ped.state.nm.us/ped/ESSA_docs/04112017/NMRISING-ESSA_STATEPLANEXECUTIVESUMMARY_FINAL-CARR-5.pdf

The analysis in this document focuses on those issues most critical to subgroup accountability and to students with disabilities (SWDs). The page numbers referenced in this document are the page numbers noted on the bottom of the pages of the draft plan (not the page numbers displayed in the Adobe Reader).

PLAN TEMPLATE. On March 13, 2017, the Secretary of Education released a new template for states to use to submit their ESSA plan application. The new template can be found on this webpage, along with other explanatory materials <https://www2.ed.gov/admins/lead/account/stateplan17/plans.html>.

States were instructed to use either the new template or one that meets certain conditions that are outlined in the new template, but they can no longer use the template issued in November 2016. **The New Mexico ESSA plan uses the November 2016 template. How this might impact ED's review/approval of the plan is questionable.**

Long-term goals

ESSA requires that states set long-term goals and interim measures for all students and for each student subgroup (e.g. disability subgroup) for academic achievement, graduation rate and English language proficiency. ESSA also states that for students who are behind, the goals and interim measures of progress must take into account

the improvement necessary to make significant progress on closing statewide proficiency and graduation rate gaps.

Academic Achievement Goal (Page 8)

The NM Plan states: “Our goal in New Mexico is that the current lowest performing subgroup must have an academic proficiency rate of 50% by 2022, while simultaneous gains in academic proficiency amongst all groups of students should be on near-parallel tracks. Therefore, the rate of student growth in academic proficiency varies between each subgroup in order to ensure that all of New Mexico’s children are beyond 50% academic proficiency (with statewide averages of 64.9% in reading & 61.2% in mathematics) by 2022.”

Academic Achievement Long-Term Goals (PARCC Proficiency)								
Subgroup	English Language Arts				Mathematics			
	Baseline	Year	Goal	Year	Baseline	Year	Goal	Year
All Students								
All Students	27.8	2016	64.9	2022	20.2	2016	61.2	2022
Economically disadvantaged students	20.6	2016	59.8	2022	14.9	2016	56.8	2022
Students with disabilities	6.5	2016	50.0	2022	6.9	2016	50.1	2022
English learners	7.8	2016	50.9	2022	6.8	2016	50.0	2022
Caucasian	42.8	2016	75.2	2022	33.4	2016	72.2	2022
Hispanic	23.2	2016	61.6	2022	16.3	2016	57.9	2022
Asian	55.0	2016	83.7	2022	48.3	2016	84.7	2022
American Indian	17.2	2016	57.4	2022	10.9	2016	53.4	2022
African-American	24.3	2016	62.4	2022	15.1	2016	56.9	2022

New Mexico defines academic proficiency in reading and mathematics as achieving a Level 4 (Meeting Expectations) or Level 5 (Exceeding Expectations) on the Partnership for Assessment of Readiness for College and Careers (PARCC) standardized achievement assessment in Grades 3-11.

Interim measures of progress appear on pages 16-21 of the plan.

Graduation Goals (Pages 10-11)

“Four-, five-, and six-year cohort graduation rates were calculated with a focus on closing achievement gaps.”

Graduation Rate Long-Term Goals				
Subgroup	Baseline	Year	Goal	Year
Four-Year Adjusted Cohort Graduation Rate				
All Students	71	2016	85	2022
Economically disadvantaged students	67	2016	82	2022
Students with disabilities	62	2016	79	2022
English learners	67	2016	82	2022
Caucasian	76	2016	88	2022
Hispanic	71	2016	84	2022
Asian	81	2016	91	2022
American Indian	63	2016	79	2022
African-American	61	2016	78	2022

It is difficult to understand how SWDs can be expected to graduate at a rate of **79%** in 4 years while just **50%** are expected to be proficient in reading and math, especially since the plan states that “While the standard for high school graduation has been lowered by certain states around the country, New Mexico is committed to ensuring that when a student graduates from high school they are prepared for college and a career in the 21st century. We will continue to require demonstration of competency in reading, writing, math, science and social studies.”

Graduation Rate Long-Term Goals				
Subgroup	Baseline	Year	Goal	Year
Five-Year Adjusted Cohort Graduation Rate				
All Students	75	2015	88	2021
Economically disadvantaged students	72	2015	86	2021
Students with disabilities	68	2015	83	2021
English learners	73	2015	86	2021
Caucasian	79	2015	90	2021
Hispanic	74	2015	87	2021
Asian	84	2015	93	2021
American Indian	71	2015	85	2021
African-American	68	2015	83	2021
Six-Year Adjusted Cohort Graduation Rate				
All Students	79	2014	90	2020
Economically disadvantaged students	75	2014	88	2020
Students with disabilities	72	2014	86	2020
English learners	76	2014	89	2020
Caucasian	83	2014	92	2020
Hispanic	78	2014	89	2020
Asian	91	2014	97	2020
American Indian	75	2014	88	2020
African-American	76	2014	88	2020

Extended-year Adjusted Cohort Graduation Rate (ACGR) goals should be based on the same timeline as the 4-year ACGR goals. The graphs on pages 23 and 24 depict different start and end points than the tables.

Meaningful Stakeholder Consultation

ESSA requires the state to conduct outreach and get input from stakeholders, including organizations representing students with disabilities, for the development

of this draft plan. No details on the specific representatives of students with disabilities are included in the NM plan.

Assessments

States are required to develop their assessments using the principles of universal design for learning (UDL). Unfortunately, the state plan templates provided by ED in November 2016 and March 2017 do not require a discussion on how the state is meeting this requirement. However, that does not absolve the state from its responsibility to meet the UDL requirements in the law as it develops its assessments.

Alternate Assessments. ESSA requires states to define “students with the most significant cognitive disabilities.” This definition is to be used in IEP team guidance regarding which students meet the criteria for participation in the state’s alternate assessment aligned with alternate academic achievement standards. Also, ESSA sets a cap on the number of students who may participate in an alternate assessment in the state at 1% of all students in the assessed grades (combined). While not a required part of the state plan, the NM plan should address the definition of students with the most significant cognitive disabilities and list the strategies the state will employ to not exceed the 1% cap on alternate assessments. Addressing these issues in the state plan encourages stakeholder input on these provisions.

It is critically important to ensure that the alternate assessment is used only for those students for whom the test was designed and field-tested and does not inappropriately lower achievement expectations for students who should take the general assessment. It is also important for the definition of students with the most significant cognitive disabilities to acknowledge that these students are working on the grade level content standards, even though the achievement expectations are not the same as for students taking the general assessment.

Accountability System (page 69)

Chart below shows indicators and weighting currently and for 2018-2019 forward.

School Grading

		EL/MS		HS	
		2016-17 2017-18	2018-19+	2016-17 2017-18	2018-19+
<i>Student Proficiency</i>	ELA, Math	25	33	20	25
	VAM	15		10	
<i>Student STEM Readiness</i>	Science		5		5
<i>School Growth</i>	VAM	10		10	
<i>Student Growth</i>	Q4 (25%)	20	5	10	5
	Q2-3 (50%)		12		10
	Q1 (25%)	20	25	10	15
<i>Opportunity to Learn</i>	Absenteeism	5	10	5	10
	Survey	5		5	
<i>College/Career Readiness</i>	Participation			5	12
	Success			10	
<i>Graduation</i>	4-Year Rate			8	6
	5-Year Rate			3	2
	6-Year Rate			2	1
	Growth 4-year Rate			4	4
<i>English Learner Progress</i>	Growth to Proficiency		10		5
		100		100	
<i>Bonus Points</i>		5		5	
<i>Participation <95%</i>		Letter Grade Drop			

Subgroups (page 75)

NM will not include exited special education students, in the disability subgroup, which is consistent with the law.

N Size (page 76)

For 2018-19 and out years, NM will employ the following group sizes:

- A minimum group size of 20 for reporting
- No minimum for the calculation of growth or proficiency
- A minimum of 10 for the post hoc evaluation of protected subgroups
- A participation minimum of 30

(See page 76 for extensive discussion of n size.)

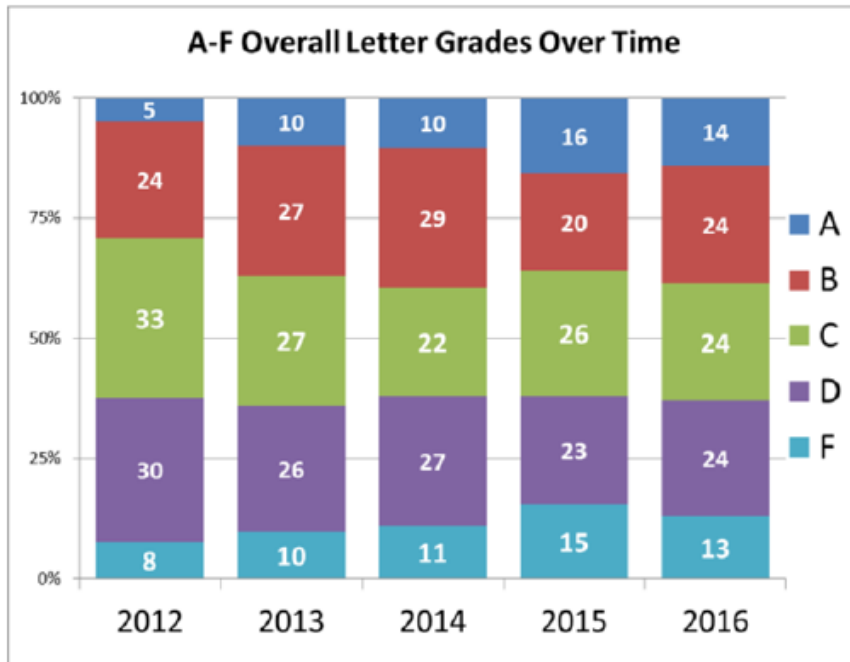
The following table is provided regarding inclusion rates. **What it represents is unclear. NM claims that all students are included in accountability.**

Table: NM Schools with Special Populations*		
	Math	ELA
All Students	822	849
Female	822	849
Male	822	849
Caucasian	782	816
African American	555	611
Hispanic	805	833
Asian	488	540
American Indian	618	666
Economically Disadvantaged	815	842
Students with Disabilities	814	841
English Learners	735	764
<i>*Out of 849 schools rated in 2016</i>		

Summative school rating system (page 80)

NM will use a five (A-F) level grading system for describing school performance.

“A school’s final summative score is expressed as a single letter grade with the related overall points. While the letter grade maximizes comprehension and transparency to all audiences, the total points provide precision needed for ranking schools within a category. The distribution of letter grades over the last five years (chart below) demonstrates usefulness of the scale in differentiating schools and in determining schools who are the most deserving of reward and recognition, as well as those in most need of intervention and support.”



95% Participation Rate Requirement (page 80)

NM uses a minimum group size of 30 for participation.

Failure to meet the minimum 95% assessment participation requirement for all students and each subgroup of students in either ELA or math results in a school's overall letter grade being reduced by one letter.

"The state has employed three-year averaging of unweighted participation rates for the purposes of participation and will continue that practice." (page 81)

Using a minimum group size of 30 for participation will lead to many schools not being judged on this critical element of the accountability system. Presumably, averaging 3 years of participation data will help address this problem, however, lowering the n-size for participation would have a similar and more timely result. If a large number of schools are not subject to the penalty NM imposes for missing the participation rate, it is essentially meaningless. Additionally, reducing a school's overall letter grade would allow a school to still be rated as, for example, a B school. It is also unclear how student subgroups will count in the participation determination. The NM plan does not recognize that untested students (at or below 95%) must be counted as non-proficient, as required by ESSA.

Schools that serve special populations (page 59, 82)

The NM plan states this regarding such schools:

Excluded schools: “Certain schools do not generate school grade ratings because their funding and governance is either shared or wholly under a non-PED authority. Examples include the School for the Deaf, School for the Blind and Visually Impaired, and the Juvenile Justice institutions, all of which receive their funding and oversight from non-PED state agencies. This exemption was formalized and approved in 2008 via negotiations between the PED and the U.S. Department of Education.

Schools treated differently: State statute (22-2E-4(B) NMSA) provides for a minimum combination of factors to be included in school grades. Because some schools are exceptional in their student population, the state has developed Supplemental Accountability Measures (SAM) for certain schools. These schools qualify for additional metrics to be counted toward their school grade calculation, in addition to standard indicators applied to all schools, to holistically capture their impact on student success. Currently schools are eligible for SAM distinction if more than 10% of students are over the age of 19 or if more than 20% are non-gifted special education students.” (page 59)

“Throughout the spring and into summer 2017, the PED will convene a group of stakeholders to explore which criteria schools must meet to become a SAM school and to determine which additional metrics would be useful to fully capture SAM school performance. The group will produce recommendations the PED will consider for a new rule that will further articulate how a school becomes a SAM school and the supplemental indicators to be utilized in school grades. This will provide clarity for all interested stakeholders, and ensure high expectations for all of New Mexico students. Less than 3% of New Mexico schools will qualify for SAM school status.” (page 60)

The SAM school distinction is concerning as it may likely mask the performance of students with disabilities and also serve as an incentive to create “schools” that serve large numbers of students with disabilities in order to escape the accountability system that applies to all other schools. At a minimum, the number and percentage of schools that could qualify for SAM school status should be capped to guard against misfeasance.

“School-level accountability has excluded students who are housed in temporary off-site locations, typically treatment centers, homebound, hospitalized, or in temporary correctional facilities. Students in these settings who have a parent school affiliation (e.g., a student in a temporary behavioral setting but who will be returning to the sending school) are still tested and their scores are included with the parent school where possible. All off-site students are included in LEA and state accountability regardless of school affiliation.” (page 60)

Identification of Schools for Comprehensive and Targeted Support and Improvement

Comprehensive Support and Improvement (Beginning in 2017, repeated every 3 years)

(page 83) A school is identified as being in need of Comprehensive Support and Improvement (CSI) by:

- Being in the lowest-performing 5% of Title I schools in New Mexico as identified by overall points earned on the School Grade Report Card; or
- Having a 4-year graduation rate (high schools only) less than 67% for two of the past three years; or
- Having been a Title I school that was previously identified for targeted (TSI) support due to low performing student subgroups, that has not demonstrated sufficient improvement after three years in that status.

CSI EXIT CRITERIA: Comprehensive Support and Improvement status has a three-year duration. A state-identified school can successfully exit from Comprehensive Support and Improvement status by improving the metric that was responsible for identifying the school for comprehensive support.

Targeted Support and Improvement (TSI)

Schools are identified as being in need of TSI with **consistently underperforming subgroups** by:

- Demonstrating a dramatic gap (40%) in academic proficiency in reading and math between its students with disabilities as compared to students without disabilities for three consecutive years.
- Demonstrating a significant gap (30%) in academic proficiency in reading and math between its English Learner subgroup compared to non-English Learner subgroup for three consecutive years.
- Demonstrating a significant gap (30%) in academic proficiency in reading and math between its economically disadvantaged subgroup compared to non-economically disadvantaged subgroup for three consecutive years.
- Demonstrating a notable gap (20%) in academic proficiency in reading and math between its Native American subgroup compared to its non-Native American subgroup for three consecutive years.
- Demonstrating a notable gap (20%) in academic proficiency in reading and math between its Black subgroup compared to its non-Black subgroup for three consecutive years.
- Demonstrating a notable gap (20%) in academic proficiency in reading and math between its Hispanic subgroup compared to its non-Hispanic subgroup for three consecutive years.

We question why the gap for students with disabilities is significantly larger than for other subgroups in order to be considered consistently underperforming

This identification occurs **annually** beginning school year 2018-2019. CSI schools will not be eligible for TSI identification. The minimum subgroup N size for TSI identification is 20 students. Schools with a consistently underperforming subgroup that does not improve after an LEA-determined time period will implement additional interventions and remain in TSI status.

Schools are identified as being in need of Targeted Support and Improvement with a **low performing subgroup** by:

- Demonstrating that the vast majority of any of the following subgroups are performing well-below academic proficiency and not demonstrating sufficient growth as compared to CSI schools (the bottom 5% of Title I schools) for three consecutive years: students with disabilities, English learners, economically disadvantaged and all underserved racial and ethnic subgroups.

This identification occurs **annually** beginning school year 2018-2019. CSI schools will not be eligible for TSI identification. The minimum subgroup N size for TSI identification is 20 students. Title I schools meeting these criteria that do not improve will be transitioned to CSI status after three years.

Applying a different minimum subgroup N size for TSI identification is likely to violate ESSA, which states that the minimum number of students “shall be the same state-determined number for all students and for each subgroup of students in the State”

Furthermore, it would appear to be in sharp contrast to the narrative provided earlier regarding why NM elected to use no minimum subgroup size for making accountability decisions.

Schools with one or more low-performing subgroup can exit TSI status by successfully implementing its targeted support and improvement plan such that all identified low-performing subgroups show sufficient growth or no longer meet the criteria for identification for two consecutive years.

Direct Student Services. New Mexico will focus its Direct Student Services approach primarily on five areas, and will preference (via competitive grant) those that are most aligned to the state’s academic needs, including:

- Extended learning time opportunities for identified students
- AP Course Access through both our virtual platform (IDEAL-NM) and other online course providers
- Other Course Access (CTE, dual credit, credit recovery)
- K-3 Literacy and Mathematics

- Pre-K Services
- Personalized Learning (Linking to Title II and IV funds to support opportunity culture)
- Student transportation (school choice)

Supporting Educators and Supporting All Students

Skills to Address Specific Learning Needs (page 105)

The NM response to this question focuses entirely on meeting the needs of culturally and linguistically diverse (CLD) students. There is no mention of students with disabilities. NM should make a commitment to implement Universal Design for Learning (UDL) and best practices for inclusion to support educators as it moves forward to implement this plan.

Supporting All Students (page 114)

ELEMENTARY SCHOOL TO MIDDLE SCHOOL TRANSITIONS

RTI “Identifying students with issues that negatively affect their ability to learn is a priority for all schools. The earlier a student is identified the more effective interventions are. To leverage this best practice, New Mexico has developed a Response to Intervention Framework (RtI) by which schools assess student needs, strategically allocate resources, and design and deliver instruction to all students within the school. This framework addresses student achievement and positive behavior for all students through the use of appropriate, research-based instruction and/or interventions. Student progress is monitored over time and data is used to guide instructional decisions and behavioral strategies. New Mexico's RtI framework is a problem-solving model that uses a set of increasingly intensive academic and/or behavioral supports. This 3-tier model of student intervention is based on data collected from progress monitoring of student response to the instruction and/or intervention. Schools are required to implement the model and operate using the state's guidance manual available on this website. RtI framework is not a student placement model, an Individual Education Plan replacement, a special education initiative or a quick fix for low achievement. It is a sustained framework that provides supports to students before extreme intervention is needed. The earlier the identification of issues and plans to assist the student address these issues, the more effective the plan will be and the more successful students will be.”

RtI works better in the context of UDL because barriers are removed that might otherwise prevent a student from learning and from showing a response to the intervention. NM should make a commitment to implement UDL and best practices for inclusion to support all students as it moves forward to implement this plan.

SSIP. Success for these students as they transition is also supported by the New Mexico’s State Systemic Improvement Plan (SSIP) also known as Results Driven Accountability (RDA) which supports K–3 students with disabilities and at-risk learners in Title I schools. RDA focuses on providing support for teachers through job-embedded professional development and coaching in the areas of reading, math and positive behavioral interventions and supports (PBIS). The SSIP is implemented through the department’s Title I Bureau and is funded through the State Personnel Development Grant (IDEA Part D), IDEA B state directed activities funds, and in-kind contributions from the Title I Bureau. This program has shown great success with the at-risk populations it serves including many of our American Indian students.

SPECIAL EDUCATION TRANSITIONS (page 117)

Discussion of NM graduation options for SWDs

Currently, three graduation options for students with disabilities exist in New Mexico; standard option, career option, or ability option with the graduation option determined by the student’s IEP team:

- The standard option meets all state and local graduation requirements,
- The career option is based upon career and employability standards, and;
- The ability option is based on the expanded grade band equivalent standards.

Only those SWDs earning the “standard option” should be reported as having graduated with a regular high school diploma for purposes of calculating the adjusted cohort graduation rate.

Individuals with Disabilities Education Act (IDEA) State Advisory Panel (page 125)

The NM plan includes a discussion of activities of the state’s special education advisory panel and states:

“ESSA standards and requirements apply to students with disabilities with the same rigor and high expectations as all students. In addition, ESSA ensures that students with disabilities:

- Have access to accommodations on assessments
- Have access to the general education curriculum in the least restrictive environment
- Receive evidenced-based interventions in schools with consistently underperforming subgroups
- Have annual Individualized Education Program (IEP) goals that align with the state grade-level academic content standards in which the student is enrolled
- Receive specially designed instruction necessary to address the unique needs of the student that result from the student’s disability”

The plan also provides information on 3 goals identified by the state advisory panel (page 126)

Few states have made these explicit commitments to students with disabilities in their state ESSA plans. NM should be recognized for integrating special education into its ESSA plan in a meaningful way

Universal Design for Learning

The NM plan makes only one mention of UDL on page 154 in regard to allowable use of funds.

Program-Specific Requirements

Children and Youth who are Neglected, Delinquent, or At-Risk (page 141)

The NM plan provides extensive information on how the state will provide services to IDEA-eligible students and leverage national TA centers, information and resources.

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See ESSA resources at <https://www.ndscenter.org/political-advocacy> (click on policy documents and webinar archives)

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