

LFC Requester:	Rachel Gudgel
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date Jan. 27, 2015
Original **Amendment** **Bill No:** HB 165
Correction **Substitute**

Sponsor: Rep. Dennis J. Roch **Agency Code:** Attorney General's Office - 305
Short Remove AYP References in **Person Writing** Joseph Dworak
Title: School Code **Phone:** 827-6986 **Email** jdworak@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis: House Bill 165 would amend multiple sections of the law by removing references to Adequate Yearly Progress (AYP) program and its requirements. Technical changes are also made to update references to the department (replacing references to “state board”) and the secretary of public education (replacing references to “state superintendent”).

Specifically, HB 165 makes the following changes:

- Sections 1-3 removes references to adequately yearly progress in NMSA 1978, Sections 22-1-1.2 and -2, and replaces an enrolment priority for schools subject to corrective action with schools rated as “F” for two of the prior four years in 22-1-4.
- Section 4 creates a new section of the Assessment and Accountability Act, which would require the department to annually report to the Legislative Education Study Committee the department’s recommendations for proposed changes to laws to comport with applicable federal requirements.
- Sections 5-14 clarifies language and removes references to adequate yearly progress to:
 - o Assessment and Accountability Act
 - o Charter School District Act of 2005
 - o School Personnel Act
 - o Hispanic Education Act
- Section 6 specifically removes standard-based assessments in social studies form grades 3-8 and 11 in 22-2C-4
- Section 7 removes references to adequate yearly progress and renames process as “measuring students’ academic performance” in Section
- Section 10 removes references to the corrective action and improvement plan in 22-2C-10.
- Section 11 replaces “general education certification” with “high school equivalency credential” in 22-2C-11.

- Section 15 repeals:
 - o 22-2C-7 (Adequate yearly progress; school improvement plans; corrective action; restructuring);
 - o 22-2C-7.1 (Failing school subject to reopening as state-chartered charter school; requirements); and
 - o 22-2C-12 (alternative school accountability system pilot project).

A similar bill was introduced by Rep. Roach during the 2014 session, which unanimously passed the House but was withdrawn and postponed indefinitely in the Senate.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

See technical issues, below. A similar bill was introduced during the 2014 session and additional information regarding background, possible issues, and implications are provided in the 2014 FIR and LESC bill analysis

PERFORMANCE IMPLICATIONS

A similar bill was introduced during the 2014 session and additional information regarding background, possible issues, and implications are provided in the 2014 FIR and LESC bill analysis

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

HB 165 removes the term “corrective action” from three places (22-1-4(E)(3)(b), 22-2C-3(D), and 22-2C-11). However, the term is still used in other sections of the Public School Code (See e.g., §§ 22-8-13.1 and 22-8B-12 (both use term “corrective action plan”); §§ 22-2C-7, -10, and 22-8B-8, -12 (all include the term “corrective action”). Consideration should be given whether all references of the terms “corrective action” and “corrective action plan” should be deleted, replaced with a new defined term, or clarified with a clear definition and applicability.

Additionally, Section 3 in HB 165 replaces the indicator of a school subject to corrective action as a priority for student enrollment with a school rated as “F” pursuant to the School Ratings Act. Consideration should be given to whether there is intent on replacing corrective action as a school indicator with another measurement, such as the A-B-C-D-F Schools Rating Act.

The term “corrective action” is included, but not defined, under new material in HB 144, introduced by Reps. Smith and Rue, which proposes a Teacher and School Leader Effectiveness Act.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A