

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 112

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO EDUCATION; PROVIDING FOR PUBLIC SCHOOL AND PUBLIC
POST-SECONDARY EDUCATIONAL INSTITUTION ACCOUNTABILITY REPORTS
TO INCLUDE STUDENT ACHIEVEMENT DISAGGREGATED BY CERTAIN
FACTORS.

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

SECTION 1. Section 21-1-26.7 NMSA 1978 (being Laws 1990
(1st S.S.), Chapter 4, Section 2, as amended) is amended to
read:

"21-1-26.7. ANNUAL ACCOUNTABILITY REPORT.--

A. The higher education department shall submit an
annual accountability report to the governor and to the
legislature by December 31. Prior to publication, the
department shall distribute a draft of the accountability
report to all public post-secondary educational institutions

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1 and shall allow comment upon the draft report.

2 B. The department in consultation with each public
3 post-secondary educational institution shall develop and adopt
4 the content and a format for the report, including the
5 following information:

6 (1) student progress and success disaggregated
7 by gender and by ethnicity and race as follows:

8 (a) Caucasian, non-Hispanic;

9 (b) Hispanic;

10 (c) African American;

11 (d) American Indian or Alaska Native;

12 (e) Native Hawaiian or other Pacific

13 Islander;

14 (f) Asian;

15 (g) two or more races; and

16 (h) other; provided that if the sample

17 of students in any category enumerated in Subparagraphs (a)

18 through (g) of this paragraph is so small that a student in the

19 sample may be personally identifiable in violation of the

20 federal Family Educational Rights and Privacy Act, the report

21 may combine that sample into the "other" category;

22 (2) student access and diversity;

23 (3) affordability and cost of educational

24 services;

25 (4) public and community service by the

1 institution; and

2 (5) faculty, compensation and benefits
3 practices, including:

4 (a) number and percentage of part-time
5 and full-time faculty;

6 (b) per-credit-hour pay rate for full-
7 time instructors or lecturers and per-credit-hour pay rate for
8 part-time faculty;

9 (c) percent salary increase for full-
10 time faculty and percent salary increase for part-time faculty;
11 and

12 (d) description of the institution's
13 policy for offering benefits to full-time faculty and to part-
14 time faculty.

15 C. The department shall make no funding
16 recommendation, capital outlay recommendation, distribution or
17 certification on behalf of any public post-secondary
18 educational institution that has not submitted the information
19 required pursuant to this section."

20 **SECTION 2.** Section 22-2C-11 NMSA 1978 (being Laws 2003,
21 Chapter 153, Section 20, as amended) is amended to read:

22 "22-2C-11. ASSESSMENT AND ACCOUNTABILITY SYSTEM
23 REPORTING--PARENT SURVEY--DATA SYSTEM--FISCAL INFORMATION.--

24 A. The department shall:

25 (1) issue a state identification number for

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1 each public school student for use in the accountability data
2 system;

3 (2) adopt the format for reporting individual
4 student assessments to parents. The student assessments shall
5 report each student's progress and academic needs as measured
6 against state standards;

7 (3) adopt the format for reporting annual
8 yearly progress of public schools, school districts, state-
9 chartered charter schools and the department. A school
10 district's report shall include reports of all locally
11 chartered charter schools in the school district. If the
12 department has adopted a state improving schools program, the
13 annual accountability report shall include the results of that
14 program for each public school. The annual accountability
15 report format shall be clear, concise and understandable to
16 parents and the general public. All annual accountability
17 reports shall ensure that the privacy of individual students is
18 protected;

19 (4) require that when public schools, school
20 districts, state-chartered charter schools and the state
21 disaggregate and report school data for demographic subgroups,
22 they include data disaggregated by ethnicity, race, limited
23 English proficiency, students with disabilities, poverty and
24 gender; provided that ethnicity and race shall be reported
25 using the following categories:

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- 1 (a) Caucasian, non-Hispanic;
 2 (b) Hispanic;
 3 (c) African American;
 4 (d) American Indian or Alaska Native;
 5 (e) Native Hawaiian or other Pacific
 6 Islander;
 7 (f) Asian;
 8 (g) two or more races; and
 9 (h) other; provided that if the sample
 10 of students in any category enumerated in Subparagraphs (a)
 11 through (g) of this paragraph is so small that a student in the
 12 sample may be personally identifiable in violation of the
 13 federal Family Educational Rights and Privacy Act, the report
 14 may combine that sample into the "other" category;

15 (5) report cohort graduation data annually for
 16 the state, for each school district and for each state-
 17 chartered charter school and each public high school, based on
 18 information provided by all school districts and state-
 19 chartered charter schools according to procedures established
 20 by the department; provided that the report shall include the
 21 number and percentage of students in a cohort who:

22 (a) have graduated by August 1 of the
 23 fourth year after entering the ninth grade;

24 (b) have graduated in more than four
 25 years, but by August 1 of the fifth year after entering ninth

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1 grade;

2 (c) have received a state certificate by
3 exiting the school system at the end of grade twelve without
4 having satisfied the requirements for a high school diploma as
5 provided in Section 22-13-1.1 NMSA 1978 or completed all course
6 requirements but have not passed the graduation assessment or
7 portfolio of standards-based indicators pursuant to Section
8 22-13-1.1 NMSA 1978;

9 (d) have dropped out or whose status is
10 unknown;

11 (e) have exited public school and
12 indicated an intent to pursue a general educational development
13 certificate; or

14 (f) are still enrolled in public school;

15 (6) report annually, based on data provided by
16 school districts and state-chartered charter schools, the
17 number and percentage of public school students in each cohort
18 in the state in grades nine through twelve who have advanced to
19 the next grade or graduated on schedule, who remain enrolled
20 but have not advanced to the next grade on schedule, who have
21 dropped out or whose other educational outcomes are known to
22 the department; and

23 (7) establish technical criteria and
24 procedures to define which students are included or excluded
25 from a cohort.

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1 B. Local school boards and governing boards of
2 charter schools may establish additional indicators through
3 which to measure the school district's or charter school's
4 performance in areas other than adequate yearly progress.

5 C. The school district's or state-chartered charter
6 school's annual accountability report shall include a report of
7 four- and five-year graduation rates for each public high
8 school in the school district or state-chartered charter
9 school. All annual accountability reports shall ensure that
10 the privacy of individual students is protected. As part of
11 the graduation rate data, the school district or state-
12 chartered charter school shall include data showing the number
13 and percentage of students in the cohort:

14 (1) who have received a state certificate by
15 exiting the school system at the end of grade twelve without
16 having satisfied the requirements for a high school diploma as
17 provided in Section 22-13-1.1 NMSA 1978 or completed all course
18 requirements but have not passed the graduation assessment or
19 portfolio of standards-based indicators pursuant to Section
20 22-13-1.1 NMSA 1978;

21 (2) who have dropped out or whose status is
22 unknown;

23 (3) who have exited public school and
24 indicated an intent to pursue a general educational development
25 certificate;

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- 1 (4) who are still enrolled; and
- 2 (5) whose other educational outcomes are known
- 3 to the school district.

4 D. The school district's or state-chartered charter
5 school's annual accountability report shall include the results
6 of a survey of parents' views of the quality of their
7 children's school. The survey shall be conducted each year in
8 time to include the results in the annual accountability
9 report. The survey shall compile the results of a written
10 questionnaire that shall be sent home with the students to be
11 given to their parents. The survey may be completed
12 anonymously. The survey shall be no more than one page, shall
13 be clearly and concisely written and shall include not more
14 than twenty questions that shall be answered with options of a
15 simple sliding scale ranging from "strongly agree" to "strongly
16 disagree" and shall include the optional response "don't know".
17 The survey shall also include a request for optional written
18 comments, which may be written on the back of the questionnaire
19 form. The questionnaire shall include questions in the
20 following areas:

- 21 (1) parent-teacher-school relationship and
- 22 communication;
- 23 (2) quality of educational and extracurricular
- 24 programs;
- 25 (3) instructional practices and techniques;

- 1 (4) resources;
- 2 (5) school employees, including the school
- 3 principal; and
- 4 (6) parents' views of teaching staff
- 5 expectations for the students.

6 E. The department shall develop no more than ten of

7 the survey questions, which shall be reviewed by the

8 legislative education study committee prior to implementation.

9 No more than five survey questions shall be developed by the

10 local school board or governing body of a state-chartered

11 charter school, and no more than five survey questions shall be

12 developed by the staff of each public school; provided that at

13 least one-half of those questions shall be developed by

14 teachers rather than school administrators, in order to gather

15 information that is specific to the particular community

16 surveyed. The questionnaires shall indicate the public school

17 site and shall be tabulated by the department within thirty

18 days of receipt and shall be returned to the respective schools

19 to be disseminated to all parents.

20 F. The school district's or state-chartered charter

21 school's annual accountability report shall be adopted by the

22 local school board or governing body of the state-chartered

23 charter school, shall be published no later than November 15 of

24 each year and shall be published at least once each school year

25 in a newspaper of general circulation in the county where the

1 school district or state-chartered charter school is located.
2 In publication, the report shall be titled "The School District
3 Report Card" or "The Charter School Report Card" and
4 disseminated in accordance with guidelines established by the
5 department to ensure effective communication with parents,
6 students, educators, local policymakers and business and
7 community organizations.

8 G. The annual accountability report shall include
9 the names of those members of the local school board or the
10 governing body of the charter school who failed to attend
11 annual mandatory training.

12 H. The annual accountability report shall include
13 data on expenditures for central office administration and
14 expenditures for the public schools of the school district or
15 charter school.

16 I. The department shall create an accountability
17 data system through which data from each public school and each
18 school district or state-chartered charter school may be
19 compiled and reviewed. The department shall provide the
20 resources to train school district and charter school personnel
21 in the use of the accountability data system.

22 J. The department shall verify data submitted by
23 the school districts and state-chartered charter schools.

24 K. At the end of fiscal year 2005, after the budget
25 approval cycle, the department shall produce a report to the

1 legislature that shows for all school districts using
2 performance-based program budgeting the relationship between
3 that portion of a school district's program cost generated by
4 each public school in the school district and the budgeted
5 expenditures for each public school in the school district as
6 reported in the district's performance-based program budget.
7 At the end of fiscal year 2006 and subsequent fiscal years,
8 after the budget approval cycle, the department shall report on
9 this relationship in all public schools in all school districts
10 in the state.

11 L. When all public schools are participating in
12 performance-based budgeting, the department shall recommend
13 annually to the legislature for inclusion in the general
14 appropriation act the maximum percentage of appropriations that
15 may be expended in each school district for central office
16 administration.

17 M. The department shall disseminate its statewide
18 accountability report to school districts and charter schools;
19 the governor, legislators and other policymakers; and business
20 and economic development organizations.

21 N. As used in this section, "cohort" means a group
22 of students who enter grade nine for the first time at the same
23 time, plus those students who transfer into the group in later
24 years and minus those students who leave the cohort for
25 documented excusable reasons."

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1 SECTION 3. Section 22-2E-4 NMSA 1978 (being Laws 2011,
2 Chapter 10, Section 4) is amended to read:

3 "22-2E-4. ANNUAL RATINGS--LETTER GRADES--RATINGS BASED ON
4 STANDARDS-BASED [TESTS] ASSESSMENTS--RIGHT TO SCHOOL CHOICE--
5 DISTANCE LEARNING--RESPONSIBILITY FOR COST--USE OF FUNDS--
6 ADDITIONAL REMEDY.--

7 A. All public schools shall be graded annually by
8 the department.

9 B. The department shall assign a letter grade of A,
10 B, C, D or F to each public school pursuant to criteria
11 established by department rules, after input from the
12 secretary's superintendents' council, that include as a minimum
13 a combination of the following factors in a public school's
14 grade:

15 (1) for elementary and middle schools:

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

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

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

23 (2) for high schools:

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

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1 (b) student growth in reading and
2 mathematics;

3 (c) growth of the lowest twenty-fifth
4 percentile of students in the high school in reading and
5 mathematics; and

6 (d) additional academic indicators such
7 as high school graduation rates, growth in high school
8 graduation rates, advanced placement and international
9 baccalaureate courses, dual enrollment courses and SAT and ACT
10 scores.

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

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

24 E. The department shall ensure that a local school
25 board or governing body of a charter school is prioritizing

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1 resources of a public school rated D or F toward proven
2 programs and methods linked to improved student achievement
3 until the public school earns a grade of C or better for two
4 consecutive years.

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

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

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

24 students in any category enumerated in Paragraphs (1) through
25 (7) of this subsection is so small that a student in the sample

1 may be personally identifiable in violation of the federal
2 Family Educational Rights and Privacy Act, the report may
3 combine that sample into the "other" category."

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