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HOUSE BILL 453

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Dennis J. Roch

AN ACT

RELATING TO PUBLIC SCHOOLS; ELIMINATING CERTAIN REPORTING  
REQUIREMENTS.

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

SECTION 1. Section 22-2C-11 NMSA 1978 (being Laws 2003,  
Chapter 153, Section 20, as amended by Laws 2015, Chapter 58,  
Section 11 and by Laws 2015, Chapter 122, Section 10) is  
amended to read:

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

A. The department shall:

(1) issue a state identification number for  
each public school student for use in the accountability data  
system;

(2) adopt the format for reporting individual

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1 student assessments to parents. The student assessments shall  
2 report each student's progress and academic needs as measured  
3 against state standards;

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

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

- 22 (a) Caucasian, non-Hispanic;
- 23 (b) Hispanic;
- 24 (c) African American;
- 25 (d) American Indian or Alaska Native;

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1 (e) Native Hawaiian or other Pacific  
2 Islander;  
3 (f) Asian;  
4 (g) two or more races; and  
5 (h) other; provided that if the sample  
6 of students in any category enumerated in Subparagraphs  
7 (a) through (g) of this paragraph is so small that a student in  
8 the sample may be personally identifiable in violation of the  
9 federal Family Educational Rights and Privacy Act of 1974, the  
10 report may combine that sample into the "other" category;

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

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

20 (b) have graduated in more than four  
21 years, but by August 1 of the fifth year after entering ninth  
22 grade;

23 (c) have received a state certificate by  
24 exiting the school system at the end of grade twelve without  
25 having satisfied the requirements for a high school diploma as

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1 provided in Section 22-13-1.1 NMSA 1978 or completed all course  
2 requirements but have not passed the graduation assessment or  
3 portfolio of standards-based indicators pursuant to Section  
4 22-13-1.1 NMSA 1978;

5 (d) have dropped out or whose status is  
6 unknown;

7 (e) have exited public school and  
8 indicated an intent to pursue a high school equivalency  
9 credential; or

10 (f) are still enrolled in public school;

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

19 (7) establish technical criteria and  
20 procedures to define which students are included or excluded  
21 from a cohort.

22 B. Local school boards and governing boards of  
23 charter schools may establish additional indicators through  
24 which to measure the school district's or charter school's  
25 performance.

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

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

17 (2) who have dropped out or whose status is  
18 unknown;

19 (3) who have exited public school and  
20 indicated an intent to pursue a high school equivalency  
21 credential;

22 (4) who are still enrolled; and

23 (5) whose other educational outcomes are known  
24 to the school district.

25 [~~D. The school district's or state-chartered~~

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

- 17 ~~(1) parent-teacher-school relationship and~~  
18 ~~communication;~~  
19 ~~(2) quality of educational and extracurricular~~  
20 ~~programs;~~  
21 ~~(3) instructional practices and techniques;~~  
22 ~~(4) resources;~~  
23 ~~(5) school employees, including the school~~  
24 ~~principal; and~~  
25 ~~(6) parents' views of teaching staff~~

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1 ~~expectations for the students.~~

2 ~~E. The department shall develop no more than ten of~~  
3 ~~the survey questions, which shall be reviewed by the~~  
4 ~~legislative education study committee prior to implementation.~~  
5 ~~No more than five survey questions shall be developed by the~~  
6 ~~local school board or governing body of a state-chartered~~  
7 ~~charter school, and no more than five survey questions shall be~~  
8 ~~developed by the staff of each public school; provided that at~~  
9 ~~least one-half of those questions shall be developed by~~  
10 ~~teachers rather than school administrators, in order to gather~~  
11 ~~information that is specific to the particular community~~  
12 ~~surveyed. The questionnaires shall indicate the public school~~  
13 ~~site and shall be tabulated by the department within thirty~~  
14 ~~days of receipt and shall be returned to the respective schools~~  
15 ~~to be disseminated to all parents.~~

16 ~~F.]~~ D. The school district's or state-chartered  
17 charter school's annual accountability report shall be adopted  
18 by the local school board or governing body of the state-  
19 chartered charter school, shall be published no later than  
20 November 15 of each year and shall be published at least once  
21 each school year [~~in a newspaper of general circulation in the~~  
22 ~~county where the school district or state-chartered charter~~  
23 ~~school is located]~~ online on the department's website and on  
24 the website of the school district or state-chartered charter  
25 school. In publication, the report shall be titled "The School

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1 District Report Card" or "The Charter School Report Card" and  
2 disseminated in accordance with guidelines established by the  
3 department to ensure effective communication with parents,  
4 students, educators, local policymakers and business and  
5 community organizations.

6 ~~[G.]~~ E. The annual accountability report shall  
7 include the names of those members of the local school board or  
8 the governing body of the charter school who failed to attend  
9 annual mandatory training.

10 ~~[H.]~~ F. The annual accountability report shall  
11 include data on expenditures for central office administration  
12 and expenditures for the public schools of the school district  
13 or charter school.

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

20 ~~[J.]~~ H. The department shall verify data submitted  
21 by the school districts and state-chartered charter schools.

22 ~~[K.]~~ I. At the end of fiscal year 2005, after the  
23 budget approval cycle, the department shall produce a report to  
24 the legislature that shows for all school districts using  
25 performance-based program budgeting the relationship between

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

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

15 ~~[M.]~~ K. The department shall disseminate its  
16 statewide accountability report to school districts and charter  
17 schools; the governor, legislators and other policymakers; and  
18 business and economic development organizations.

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

24 **SECTION 2.** Section 22-13-1.7 NMSA 1978 (being Laws 2007,  
25 Chapter 348, Section 3) is amended to read:

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1 "22-13-1.7. ELEMENTARY PHYSICAL EDUCATION.--

2 A. As used in this section:

3 (1) "eligible students" means students in  
4 kindergarten through grade six in a public school classified by  
5 the department as an elementary school; and

6 (2) "physical education" includes programs of  
7 education through which students participate in activities  
8 related to fitness education and assessment; active games and  
9 sports; and development of physical capabilities such as motor  
10 skills, strength and coordination.

11 B. Elementary physical education programs that  
12 serve eligible students are eligible for funding if those  
13 programs meet academic content and performance standards for  
14 elementary physical education programs.

15 C. In granting approval for funding of elementary  
16 physical education programs, the department shall provide that  
17 programs are first implemented in public schools that have the  
18 highest proportion of students most in need based on the  
19 percentage of students eligible for free or reduced-fee lunch  
20 or grade-level schools that serve an entire school district and  
21 in public schools with available space. If the department  
22 determines that an elementary physical education program is not  
23 meeting the academic content and performance standards for  
24 elementary physical education programs, the department shall  
25 notify the school district that the public school's failure to

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1 meet the academic content and performance standards will result  
2 in the cessation of funding for the following school year. The  
3 department shall compile the program results submitted by the  
4 school districts each year and make an annual report to the  
5 legislative education study committee and the legislature.

6 ~~[D. As they become eligible for elementary physical~~  
7 ~~education program funding, public schools shall submit to the~~  
8 ~~department their elementary physical education program plans~~  
9 ~~that meet academic content and performance standards and other~~  
10 ~~guidelines of the department. At a minimum, the plan shall~~  
11 ~~include the elementary physical education program being taught~~  
12 ~~and an evaluation component. To be eligible for state~~  
13 ~~financial support, an elementary physical education program~~  
14 ~~shall:~~

15 ~~(1) provide for the physical education needs~~  
16 ~~of students defined in this section; and~~

17 ~~(2) use teachers with a license endorsement~~  
18 ~~for physical education.~~

19 ~~E.]~~ D. The department shall annually determine the  
20 programs and the consequent number of students in elementary  
21 physical education that will receive state financial support in  
22 accordance with funding available in each school year."

23 **SECTION 3.** Section 22-13-3.1 NMSA 1978 (being Laws 2001,  
24 Chapter 168, Section 1) is amended to read:

25 "22-13-3.1. EVEN START FAMILY LITERACY PROGRAM--CREATED--

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1 GUIDELINES--BENCHMARKS, PERFORMANCE STANDARDS AND  
2 EVALUATIONS.--

3 A. The "even start family literacy program" is  
4 created in the department [~~of education~~] to provide funding for  
5 preschool reading readiness and parenting education. The  
6 purpose of the program is to support the educational and  
7 developmental needs of students in preschool; address cultural  
8 diversity; and provide family support that leads to improved  
9 literacy, improved ability for students to succeed in school  
10 and economic self-sufficiency. Priority for funding shall be  
11 provided to those public schools that have the highest  
12 proportion of limited English proficient students, students  
13 living in poverty and Native American students.

14 B. The department [~~of education~~] shall develop even  
15 start family literacy program benchmarks and performance  
16 standards, guidelines for program approval and funding approval  
17 criteria. The department shall disseminate the program  
18 information in all public schools and shall provide technical  
19 assistance to public schools in developing proposals.

20 C. The department [~~of education~~] shall distribute  
21 money to public schools with approved even start family  
22 literacy programs that meet the specified criteria based upon  
23 actual program costs to ensure the implementation of  
24 performance based budgeting measures.

25 ~~[D. Public schools that receive even start family~~

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1 ~~literacy program funds shall annually evaluate and report to~~  
2 ~~the department of education the results of the program,~~  
3 ~~including the number of children and families served, the~~  
4 ~~services provided and the gains achieved by the children and~~  
5 ~~their families.~~

6 ~~E. If the department of education determines that a~~  
7 ~~local even start family literacy program is not meeting~~  
8 ~~benchmarks and performance standards, the department shall~~  
9 ~~notify the public school that continued failure to meet~~  
10 ~~benchmarks and performance standards will result in cessation~~  
11 ~~of funding for the program for the next school year.~~

12 ~~F. The department of education shall compile the~~  
13 ~~results of the even start family literacy program and report~~  
14 ~~annually to the legislative education study committee.]"~~

15 **SECTION 4. REPEAL.**--Sections 22-10A-33 and 22-15-12 NMSA  
16 1978 (being Laws 1989, Chapter 344, Section 2 and Laws 1967,  
17 Chapter 16, Section 216, as amended) are repealed.