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HOUSE BILL 84

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Dennis J. Roch

AN ACT

RELATING TO PUBLIC EDUCATION; PROHIBITING THE USE OF SOCIAL SECURITY NUMBERS IN CERTAIN EDUCATION-RELATED FUNCTIONS.

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

SECTION 1. Section 22-1-11 NMSA 1978 (being Laws 2010, Chapter 112, Section 1, as amended) is amended to read:

"22-1-11. EDUCATIONAL DATA SYSTEM.--

A. As used in this section:

- (1) "council" means the data system council;
- (2) "data system" means the unified pre-kindergarten through post-graduate education accountability data system;
- (3) "data system partners" means the public education department and the higher education department;
- (4) "educational agencies" means other public

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1 agencies and institutions that provide educational services for
2 resident school-age persons and children in state-funded
3 private pre-kindergarten programs; and

4 (5) "pre-kindergarten through post-graduate
5 system" means an integrated, seamless pre-kindergarten through
6 post-graduate system of education.

7 B. The data system partners, in consultation with
8 the council, shall establish a data system, the purpose of
9 which is to:

10 (1) collect, integrate and report longitudinal
11 student-level and educator data required to implement federally
12 or state-required education performance accountability
13 measures;

14 (2) conduct research and evaluation regarding
15 federal, state and local education and training programs at all
16 levels; and

17 (3) audit and ensure compliance of those
18 programs with applicable federal or state requirements.

19 C. The [~~components of the~~] data system shall:

20 (1) include the use of a common student
21 identifier for the pre-kindergarten through post-graduate
22 system and an educator identifier, both of which may include
23 additional identifiers, with the ability to match educator data
24 to student data and educator data to data from schools, post-
25 secondary education programs and other educational agencies;

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1 and

2 (2) not include the use of social security
3 numbers.

4 D. The data system partners shall convene a
5 "data system council" made up of the following members:

6 (1) the secretary of public education or the
7 secretary's designee;

8 (2) the secretary of higher education or the
9 secretary's designee;

10 (3) the secretary of children, youth and
11 families or the secretary's designee;

12 (4) the secretary of workforce solutions or
13 the secretary's designee;

14 (5) the secretary of economic development or
15 the secretary's designee;

16 (6) the secretary of information technology or
17 the secretary's designee;

18 (7) the secretary of human services or the
19 secretary's designee;

20 (8) the secretary of health or the secretary's
21 designee;

22 (9) the director of the office of education
23 accountability or the director's designee;

24 (10) the director of the public school
25 facilities authority or the director's designee;

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1 (11) a representative from the office of the
2 governor;

3 (12) the presidents or their designees of one
4 research university, one four-year comprehensive university,
5 two branch colleges and two independent community colleges;
6 provided that the presidents shall be selected by the data
7 system partners in collaboration with organizations that
8 represent the presidents of those institutions;

9 (13) at least six public school
10 superintendents or their designees; provided that the
11 appointments by the data system partners shall be made so that
12 small, medium and large school districts are equally
13 represented on the council at all times;

14 (14) at least three charter school
15 administrators or their designees appointed by the data system
16 partners;

17 (15) the director of the legislative education
18 study committee or the director's designee; and

19 (16) the director of the legislative finance
20 committee or the director's designee.

21 E. The council shall:

22 (1) meet at least four times each calendar
23 year;

24 (2) create a management plan that assigns
25 authority and responsibility for the operation of the data

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1 system among the educational agencies whose data will be
2 included in the data system;

3 (3) assist the educational agencies whose data
4 will be included in the data system in developing interagency
5 agreements to:

6 (a) enable data to be shared across and
7 between the educational agencies;

8 (b) define appropriate uses of data;

9 (c) assure researcher access to data;

10 (d) assure the security of the data
11 system;

12 (e) ensure that the educational system
13 agencies represented on the council, the legislative education
14 study committee, the legislative finance committee and other
15 users, as appropriate, have access to the data system; and

16 (f) ensure the privacy of any person
17 whose personally identifiable information is contained in the
18 data system;

19 (4) develop a strategic plan for the data
20 system; and

21 (5) create policies that ensure users have
22 prompt and reasonable access to reports generated from the data
23 system, including:

24 (a) identification of categories of data
25 system users based on security level;

1 (b) descriptions of the reports that the
2 data system is capable of generating on demand; and

3 (c) definitions of the most timely
4 process by which users may retrieve other reports without
5 compromising the security of the data system or the privacy of
6 any person whose personally identifiable information is
7 contained in the data system.

8 F. The data system strategic plan shall include:

9 (1) the development of policy and practical
10 goals, including time lines and budget goals, that are to be
11 met through the implementation of the data system; and

12 (2) the training and professional development
13 that the data system partners will provide to users who will be
14 analyzing, accessing or entering data into the data system.

15 G. The confidentiality of personally identifiable
16 student and educator data shall be safeguarded consistent with
17 the requirements of state and federal law. To the extent
18 permitted by the data system partners in conformance with state
19 and federal law, public entities participating in the data
20 system may:

21 (1) disclose or redisclose data for
22 educational purposes and longitudinal comparisons, analyses or
23 studies, including those authorized by law;

24 (2) enter into agreements with other
25 organizations for research studies to improve instruction for

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1 the benefit of local educational agencies, public schools and
2 post-secondary educational institutions, subject to safeguards
3 to ensure that the research organization uses the student
4 records only for the authorized study purposes; and

5 (3) disclose education records to a student's
6 former secondary school or school district upon request solely
7 for purposes of evaluation or accountability for its programs.

8 H. Nothing in this section precludes the data
9 system partners, in consultation with school districts, charter
10 schools and public post-secondary educational institutions,
11 from collecting and distributing aggregate data about students
12 or educators or data about an individual student or educator
13 [~~without~~] as long as the data reveal no personally identifiable
14 information.

15 I. The data system partners, in consultation with
16 school districts, charter schools and public post-secondary
17 educational institutions, shall jointly adopt rules to carry
18 out the provisions of this section, including security
19 administration requirements and the provision of training for
20 data entry personnel at all levels.

21 J. By December 31 of each year, the data system
22 partners shall submit a data system status report to the
23 legislature and to the governor. Prior to submission and
24 publication of the report referred to in Subsection K of this
25 section, the data system partners shall distribute a draft of

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1 the report to school districts, charter schools and all public
2 post-secondary educational institutions to allow comment on the
3 draft report.

4 K. The data system partners, in consultation with
5 school districts, charter schools and public post-secondary
6 educational institutions, shall develop and adopt the content
7 and a format for the report, including the ability of the data
8 system to:

9 (1) connect student records from pre-
10 kindergarten through post-graduate education;

11 (2) connect public school educator data to
12 student data;

13 (3) match individual public school students'
14 test records from year to year to measure academic growth,
15 including student-level college and career readiness test
16 scores;

17 (4) report the number and percentage of
18 untested public school students by school district and by
19 school and by major ethnic group, special education status,
20 poverty status and gender;

21 (5) report high school longitudinal graduation
22 and dropout data, including information that distinguishes
23 between dropouts or students whose whereabouts are unknown and
24 students who have transferred to other schools, including
25 private schools or home schools, other school districts or

1 other states;

2 (6) provide post-secondary remediation data,
3 including assessment scores on exams used to determine the need
4 for remediation;

5 (7) provide post-secondary remedial course
6 enrollment history, including the number and type of credit and
7 noncredit remedial courses being taken;

8 (8) report post-secondary retention data that
9 indicate whether students are returning the second fall term
10 after being enrolled as full-time first-time degree-seeking
11 students;

12 (9) report to New Mexico public high schools
13 on their students who enroll in a public post-secondary
14 educational institution within three years of graduating or
15 leaving the high school regarding freshman-year outcomes;

16 (10) provide post-secondary student completion
17 status, including information that indicates if students are
18 making annual progress toward their degrees;

19 (11) include data regarding students who have
20 earned a high school equivalency credential in reporting post-
21 secondary outcomes;

22 (12) report data collected for the educator
23 accountability reporting system;

24 (13) report pre-kindergarten through post-
25 graduate student-level enrollment data, demographic information

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1 and program participation information;

2 (14) report pre-kindergarten through post-
3 graduate student-level transcript information, including
4 information on courses completed, grades earned and cumulative
5 grade point average;

6 (15) connect performance with financial
7 information;

8 (16) establish and maintain a state data audit
9 system to assess the quality, validity and reliability of data;
10 and

11 (17) provide any other student-level and
12 educator data necessary to assess the performance of the pre-
13 kindergarten through post-graduate system."

14 SECTION 2. A new section of the Assessment and
15 Accountability Act is enacted to read:

16 "[NEW MATERIAL] USE OF SOCIAL SECURITY NUMBERS.--A social
17 security number shall not be used for any purpose under the
18 Assessment and Accountability Act."

19 SECTION 3. A new section of the School Personnel Act is
20 enacted to read:

21 "[NEW MATERIAL] USE OF SOCIAL SECURITY NUMBERS.--A social
22 security number shall not be used for any purpose under the
23 School Personnel Act except:

24 A. to perform a background check in accordance with
25 Section 22-10A-5 NMSA 1978;

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1 B. to process a request for or issue a license in
2 accordance with the School Personnel Act;

3 C. to comply with payroll and benefit requirements
4 imposed by the School Personnel Act;

5 D. to comply with a court-issued order or subpoena;
6 or

7 E. to release information in accordance with a
8 request by the person associated with the number."

9 SECTION 4. EFFECTIVE DATE.--The effective date of the
10 provisions of this act is July 1, 2019.