

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/HB 70a

49th Legislature, 2nd Session, 2010

Tracking Number: .181581.1

Short Title: Educational Data System

Sponsor(s): Representative Rick Miera and Others

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HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR HOUSE BILL 70

AS AMENDED

The House Education Committee amendment clarifies that, prior to submission and publication of a status report to the Legislature and the Governor, the data system partners shall distribute a draft of the report to the school districts, charter schools, and all public postsecondary educational institutions for comment.

Original Bill Summary:

CS/HB 70 codifies the requirements for a pre-kindergarten through postsecondary (P-20) education accountability data system in order to:

- collect, integrate, and report longitudinal student-level and educator data required to implement federal or state education performance accountability measures;
- conduct research and evaluation of federal, state, and local education programs; and
- audit program compliance with federal and state requirements.

CS/HB 70 includes the use of a common student identifier and an educator identifier as data components.

Among its other provisions, the bill:

- defines certain terms, including “data warehouse partners” to mean the Public Education Department (PED) and the Higher Education Department (HED);
- requires the partners to jointly adopt rules and convene a “data system council”;
- defines the “data system council” as representatives from PED, HED, the Children, Youth and Families Department (CYFD), the Department of Workforce Solutions (DWS), the Department of Economic Development, the Department of Information Technology, the Human Services Department, the Department of Health, the Office of Education Accountability (OEA), the Office of the Governor, the Public School Facilities Authority (PSFA), public postsecondary educational institutions, public school districts, charter schools, the Legislative Education Study Committee (LESC), and Legislative Finance Committee (LFC);

- requires the council to:
 - meet at least four times each year;
 - create a management plan that assigns authority and responsibility for the operation of the data system;
 - assist in the development of interagency agreements to enable data to be shared, define uses of data, provide access to researchers, ensure data security, and ensure the privacy of personal information;
 - develop a strategic plan that includes council timelines, budget goals, and required training for the data system; and
 - create policy to ensure reasonable report access.

Other provisions in CS/HB 70:

- require that the confidentiality of personally identifiable student and educator data is to be safeguarded consistent with state and federal requirements;
- provides for research studies to be conducted under certain conditions for educational research purposes and longitudinal studies;
- allows for the collection and distribution of aggregate or individual student and educator data without personally identifiable information; and
- finally, by December 31 of each year, requires a status report to be submitted to the Legislature and the Governor, outlining the ability of the data system to:
 - connect P-20 student records and public school educators to student data;
 - match individual public school student test records;
 - report the number and percentage of untested public school students by district, school, ethnicity; special education status, poverty status, and gender;
 - report high school graduation and dropout data;
 - provide postsecondary remediation, remedial course, and retention data;
 - report freshman-year outcomes of New Mexico public high school students under certain conditions;
 - include postsecondary outcomes data of students who have earned a general educational development (GED) certificate;
 - provide data collected for the teacher education accountability reporting system;
 - report P-20 graduate student-level data, including enrollment, demographics, program participation, and transcript information;
 - connect performance with financial information;
 - establish and maintain a state data audit system; and
 - provide other student-level and educator data necessary to assess the performance of the P-20 system.

Fiscal Impact:

CS/HB 70 makes no appropriation from the General Fund; however, the bill will enhance the state's fiscal condition.

- Enactment of this bill will strengthen the state's ability to receive a federal grant from the US Department of Education, Institute of Education Services (IES), to support the continued development of New Mexico's P-20 data system.

- In late January 2010, the state applied for a \$20.0 million IES grant to support a Statewide Longitudinal Data System and related instructional management system. A decision by IES is expected by March 2010.
- In addition, the establishment of a P-20 longitudinal data system in state law allows the state to receive additional federal Basic Stabilization Funds under the federal *American Recovery and Reinvestment Act of 2009 (ARRA)*. The application for this funding requires the state to assure the establishment of a longitudinal data system.

Fiscal Issues:

Since 2005, the Legislature has included language in the appropriation act and appropriated over \$14.0 million, including four full-time staff positions, to support the development and implementation of a K-12 data system at PED referred to as the Student Teacher Accountability Reporting System (STARS).

If enacted, the provisions in CS/HB 70 will codify the accountability and reporting requirements for a P-20 data system.

Substantive Issues:

Legislative Education Study Committee (LESC) staff testimony during the 2009 interim included a review of the New Mexico Data Warehouse Council which was created by executive order in June 2009 (legislation introduced but not enacted in 2009 would have created a similar council and codified the requirements for a comprehensive P-20 data system). Among its duties, by December 31, 2009 the council was to establish a longitudinal data system that met the requirements of ARRA and ensured that New Mexico could meet the assurances regarding collection and use of data and other education reforms contained in that act.

At the end of the interim, testimony from the Office of the Governor reviewed the membership and activities of the New Mexico Data Warehouse Council. Among other actions, the council had begun to establish the longitudinal data system to meet the ARRA requirements; had assisted state agencies in developing interagency agreements regarding the use, sharing, and security of data; and had submitted a proposal to IES to support the NM ACHIEVeS initiative. A response from IES is expected in spring 2010.

Background:

New Mexico initiatives that address the development of a P-20 data system

- In 2003, the New Mexico Legislature passed and the Governor signed comprehensive education reform legislation that included a provision requiring PED to issue a state ID number for each public school student as part of the state's assessment and accountability system.
 - In the 2004 interim, PED reported that a web-based application for the student ID system had been completed that allows selected school personnel, district coordinators, and PED administrators to search for a student using an ID number issued by PED or any combination of first or last name and date of birth.
 - The PED testimony also cited two reasons that a student ID system is necessary: (1) to provide accurate data for the state's Accountability Data System at PED

concerning student performance and status throughout the student's educational career; and (2) to comply with accountability requirements of the federal *No Child Left Behind Act of 2001* (NCLB).

- Realizing that reliable data are critical to educational research and policy development, the 2005 Legislature included language in the *General Appropriation Act* to establish a comprehensive data warehouse at PED to begin to collect and store student, teacher, course, testing, and financial data in one comprehensive system. In addition, the Legislature has supported the implementation of this comprehensive data warehouse, known as the Student Teacher Accountability Reporting System (STARS), with appropriations of approximately \$14.0 million including four full-time equivalent positions at PED.
- Through legislation endorsed by the LESC, the Legislature implemented additional initiatives directed toward providing New Mexico with a single, unified data system that can exchange information within and across pre-K through postsecondary (P-20) education and allow the state to continue monitoring achievement as students move from place to place through the education pipeline.
- In particular, the 2007 bill requiring HED to use the PED student ID number also included a measure requiring PED to collaborate with public teacher preparation programs and HED to create a uniform statewide teacher education accountability reporting system (TEARS) to measure and track teacher candidates from pre-entry to post-graduation in order to benchmark the productivity and accountability of New Mexico's teacher work force.
- During the 2007 interim, the LESC heard a presentation describing the work of the Data Sharing Task Force, which HED convened in response to a request from the LESC to plan the implementation of a common P-20 student ID. According to staff testimony, the work was to proceed through three phases: (1) extending the student ID system in STARS into higher education; (2) expanding STARS to include higher education data submitted by postsecondary institutions; and (3) adding enhancements, such as a common online application for admission to college and electronic transcribing between P-12 and public postsecondary institutions.
- Taking into account the recommendations of the Data Sharing Task Force, the LESC endorsed legislation to support the implementation of the common P-20 student ID during the 2008 Legislature by codifying the requirements for a comprehensive P-20 data warehouse (STARS) at PED that collects, integrates, and reports data from PED, HED, and other agencies; and by appropriating \$3.9 million to PED to integrate the common PED/HED student ID into STARS. However, the bill was ruled not germane.
- In fall 2008, New Mexico was accepted along with seven other states to participate in the College and Career Ready Policy Institute (CCRPI), a Bill and Melinda Gates Foundation-funded initiative to provide participants with technical assistance in developing high school accountability systems aligned with the expectations of college and the workplace. Participating state entities include HED, PED, the LESC, the OEA, DWS, and the New Mexico Business Roundtable for Educational Excellence. A key goal in New Mexico's proposal to CCRPI was development of its longitudinal student data system.

- In 2009, a recent innovation in the P-20 Initiative was introduced as the Electronic Student Management System, an individual student-based, interactive system for personal management and review of requirements associated with graduation and preparation for college or the work force. Also known as “Carve Your Path,” the system is a collaborative among PED, HED, DWS, CYFD, and the College Success Network. Testimony from PED noted that funding for the project has come from two main sources:
 - \$1.5 million appropriated by the Legislature to PED in the *General Appropriation Act of 2008* for the 11th grade assessment, and reauthorized in 2009; and
 - \$1.3 million in funds granted to HED by USDE under the College Access Challenge Grant program.

- After testing at several pilot sites in September 2009 and expansion to other public school, higher education, and DWS sites in January 2010, the system is scheduled to be fully operational by June 25, 2010.

- Staff testimony during the 2009 interim provided an overview of the 2009 Educator Accountability Reporting System (EARS) report and related issues, and testimony from a representative of the deans and directors of New Mexico teacher preparation programs provided the committee with details of the report.
 - Testimony from the representative of the New Mexico teacher preparation programs summarized the main findings of the 2009 EARS report, among them that: educator preparation programs attract academically prepared candidates; standards for admission to teacher education programs use common factors that enhance transparency and seamless transferability among institutions; and improvements had been made in the collection and analysis of financial data since the 2008 report. The testimony also highlighted some data limitations and made several recommendations to address such issues as validating students’ institutional affiliation, ensuring that STARS contains accurate information about the institution preparing the candidate for licensure, and enforcing the reporting requirements in law.

Related Bill(s):

HB 69 *Reporting of Cohort Graduation Data*