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HOUSE BILL 112

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

INTRODUCED BY

Jane E. Powdrell-Culbert

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) Native American;

12 (e) Asian; and

13 (f) other; provided that if the sample
14 of students in any category enumerated in Subparagraphs (a)
15 through (e) of this paragraph is so small that a student in the
16 sample may be personally identifiable in violation of the
17 federal Family Educational Rights and Privacy Act, the report
18 may combine that sample into the "other" category;

19 (2) student access and diversity;

20 (3) affordability and cost of educational
21 services;

22 (4) public and community service by the
23 institution; and

24 (5) faculty, compensation and benefits
25 practices, including:

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1 (a) number and percentage of part-time
2 and full-time faculty;

3 (b) per-credit-hour pay rate for full-
4 time instructors or lecturers and per-credit-hour pay rate for
5 part-time faculty;

6 (c) percent salary increase for full-
7 time faculty and percent salary increase for part-time faculty;
8 and

9 (d) description of the institution's
10 policy for offering benefits to full-time faculty and to part-
11 time faculty.

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

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

19 "22-2C-11. ASSESSMENT AND ACCOUNTABILITY SYSTEM
20 REPORTING--PARENT SURVEY--DATA SYSTEM--FISCAL INFORMATION.--

21 A. The department shall:

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

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

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

23 (a) Caucasian, non-Hispanic;

24 (b) Hispanic;

25 (c) African American;

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1 (d) Native American;
2 (e) Asian; and
3 (f) other; provided that if the sample
4 of students in any category enumerated in Subparagraphs (a)
5 through (e) of this paragraph is so small that a student in the
6 sample may be personally identifiable in violation of the
7 federal Family Educational Rights and Privacy Act, the report
8 may combine that sample into the "other" category;

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

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

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

21 (c) have received a state certificate by
22 exiting the school system at the end of grade twelve without
23 having satisfied the requirements for a high school diploma as
24 provided in Section 22-13-1.1 NMSA 1978 or completed all course
25 requirements but have not passed the graduation assessment or

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1 portfolio of standards-based indicators pursuant to Section
2 22-13-1.1 NMSA 1978;

3 (d) have dropped out or whose status is
4 unknown;

5 (e) have exited public school and
6 indicated an intent to pursue a general educational development
7 certificate; or

8 (f) are still enrolled in public school;

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

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

20 B. Local school boards and governing boards of
21 charter schools may establish additional indicators through
22 which to measure the school district's or charter school's
23 performance in areas other than adequate yearly progress.

24 C. The school district's or state-chartered charter
25 school's annual accountability report shall include a report of

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

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

15 (2) who have dropped out or whose status is
16 unknown;

17 (3) who have exited public school and
18 indicated an intent to pursue a general educational development
19 certificate;

20 (4) who are still enrolled; and

21 (5) whose other educational outcomes are known
22 to the school district.

23 D. The school district's or state-chartered charter
24 school's annual accountability report shall include the results
25 of a survey of parents' views of the quality of their

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

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

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

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

14 F. The school district's or state-chartered charter
15 school's annual accountability report shall be adopted by the
16 local school board or governing body of the state-chartered
17 charter school, shall be published no later than November 15 of
18 each year and shall be published at least once each school year
19 in a newspaper of general circulation in the county where the
20 school district or state-chartered charter school is located.
21 In publication, the report shall be titled "The School District
22 Report Card" or "The Charter School Report Card" and
23 disseminated in accordance with guidelines established by the
24 department to ensure effective communication with parents,
25 students, educators, local policymakers and business and

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1 community organizations.

2 G. The annual accountability report shall include
3 the names of those members of the local school board or the
4 governing body of the charter school who failed to attend
5 annual mandatory training.

6 H. The annual accountability report shall include
7 data on expenditures for central office administration and
8 expenditures for the public schools of the school district or
9 charter school.

10 I. The department shall create an accountability
11 data system through which data from each public school and each
12 school district or state-chartered charter school may be
13 compiled and reviewed. The department shall provide the
14 resources to train school district and charter school personnel
15 in the use of the accountability data system.

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

18 K. At the end of fiscal year 2005, after the budget
19 approval cycle, the department shall produce a report to the
20 legislature that shows for all school districts using
21 performance-based program budgeting the relationship between
22 that portion of a school district's program cost generated by
23 each public school in the school district and the budgeted
24 expenditures for each public school in the school district as
25 reported in the district's performance-based program budget.

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1 At the end of fiscal year 2006 and subsequent fiscal years,
2 after the budget approval cycle, the department shall report on
3 this relationship in all public schools in all school districts
4 in the state.

5 L. When all public schools are participating in
6 performance-based budgeting, the department shall recommend
7 annually to the legislature for inclusion in the general
8 appropriation act the maximum percentage of appropriations that
9 may be expended in each school district for central office
10 administration.

11 M. The department shall disseminate its statewide
12 accountability report to school districts and charter schools;
13 the governor, legislators and other policymakers; and business
14 and economic development organizations.

15 N. As used in this section, "cohort" means a group
16 of students who enter grade nine for the first time at the same
17 time, plus those students who transfer into the group in later
18 years and minus those students who leave the cohort for
19 documented excusable reasons."

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

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

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1 A. All public schools shall be graded annually by
2 the department.

3 B. The department shall assign a letter grade of A,
4 B, C, D or F to each public school pursuant to criteria
5 established by department rules, after input from the
6 secretary's superintendents' council, that include as a minimum
7 a combination of the following factors in a public school's
8 grade:

9 (1) for elementary and middle schools:

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

12 (b) student growth in reading and
13 mathematics; and

14 (c) growth of the lowest twenty-fifth
15 percentile of students in the public school in reading and
16 mathematics; and

17 (2) for high schools:

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

20 (b) student growth in reading and
21 mathematics;

22 (c) growth of the lowest twenty-fifth
23 percentile of students in the high school in reading and
24 mathematics; and

25 (d) additional academic indicators such

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1 as high school graduation rates, growth in high school
2 graduation rates, advanced placement and international
3 baccalaureate courses, dual enrollment courses and SAT and ACT
4 scores.

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

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

18 E. The department shall ensure that a local school
19 board or governing body of a charter school is prioritizing
20 resources of a public school rated D or F toward proven
21 programs and methods linked to improved student achievement
22 until the public school earns a grade of C or better for two
23 consecutive years.

24 F. The school options available pursuant to the
25 A-B-C-D-F Schools Rating Act are in addition to any remedies

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1 provided for in the Assessment and Accountability Act for
2 students in schools in need of improvement or any other
3 interventions prescribed by the federal No Child Left Behind
4 Act of 2001.

5 G. When reporting a school's grade, the department
6 shall include student data disaggregated by ethnicity, race,
7 limited English proficiency, students with disabilities,
8 poverty and gender; provided that ethnicity and race shall be
9 reported using the following categories:

10 (1) Caucasian, non-Hispanic;

11 (2) Hispanic;

12 (3) African American;

13 (4) Native American;

14 (5) Asian; and

15 (6) other; provided that if the sample of
16 students in any category enumerated in Paragraphs (1) through
17 (6) of this subsection is so small that a student in the sample
18 may be personally identifiable in violation of the federal
19 Family Educational Rights and Privacy Act, the report may
20 combine that sample into the "other" category."

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