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HOUSE BILL 165

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Dennis J. Roch

FOR THE LEGISLATIVE EDUCATION AND STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC EDUCATION; AMENDING AND REPEALING SECTIONS OF THE PUBLIC SCHOOL CODE TO REMOVE REFERENCES TO "ADEQUATE YEARLY PROGRESS" AND TO MAKE TECHNICAL CHANGES.

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

SECTION 1. Section 22-1-1.2 NMSA 1978 (being Laws 2003, Chapter 153, Section 2, as amended by Laws 2007, Chapter 307, Section 1 and by Laws 2007, Chapter 308, Section 1) is amended to read:

"22-1-1.2. LEGISLATIVE FINDINGS AND PURPOSE.--

A. The legislature finds that no education system can be sufficient for the education of all children unless it is founded on the sound principle that every child can learn and succeed and that the system must meet the needs of all children by recognizing that student success for every child is

1 the fundamental goal.

2 B. The legislature finds further that the key to
3 student success in New Mexico is to have a multicultural
4 education system that:

5 (1) attracts and retains quality and diverse
6 teachers to teach New Mexico's multicultural student
7 population;

8 (2) holds teachers, students, schools, school
9 districts and the state accountable;

10 (3) integrates the cultural strengths of its
11 diverse student population into the curriculum with high
12 expectations for all students;

13 (4) recognizes that cultural diversity in the
14 state presents special challenges for policymakers,
15 administrators, teachers and students;

16 (5) provides students with a rigorous and
17 relevant high school curriculum that prepares them to succeed
18 in college and the workplace; and

19 (6) elevates the importance of public
20 education in the state by clarifying the governance structure
21 at different levels.

22 C. The legislature finds further that the teacher
23 shortage in this country has affected the ability of New Mexico
24 to compete for the best teachers and that, unless the state and
25 school districts find ways to mentor beginning teachers,

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1 intervene with teachers while they still show promise, improve
2 the job satisfaction of quality teachers and elevate the
3 teaching profession by shifting to a professional educator
4 licensing and salary system, public schools will be unable to
5 recruit and retain the highest quality teachers in the teaching
6 profession in New Mexico.

7 D. The legislature finds further that a well-
8 designed, well-implemented and well-maintained assessment and
9 accountability system is the linchpin of public school reform
10 and must ensure that:

11 (1) students who do not meet or exceed
12 expectations will be given individual attention and assistance
13 through extended learning programs and individualized tutoring;

14 (2) students have accurate, useful information
15 about their options and the adequacy of their preparation for
16 post-secondary education, training or employment in order to
17 set and achieve high goals;

18 (3) teachers who do not meet performance
19 standards must improve their skills or they will not continue
20 to be employed as teachers;

21 (4) public schools make [~~adequate yearly~~]
22 progress toward educational excellence; and

23 (5) school districts and the state are
24 prepared to actively intervene and improve failing public
25 schools.

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1 E. The legislature finds further that improving
2 children's reading and writing abilities and literacy
3 throughout their years in school must remain a priority of the
4 state.

5 F. The legislature finds further that the public
6 school governance structure needs to change to provide
7 accountability from the bottom up instead of from the top down.
8 Each school principal, with the help of school councils made up
9 of parents and teachers, must be the instructional leader in
10 the public school, motivating and holding accountable both
11 teachers and students. Each local superintendent must function
12 as the school district's chief executive officer and have
13 responsibility for the day-to-day operations of the school
14 district, including personnel and student disciplinary
15 decisions.

16 G. It is the purpose of the 2003 public school
17 reform legislation as augmented by this 2007 legislation to
18 provide the framework to implement the legislative findings to
19 ensure student success in New Mexico."

20 **SECTION 2.** Section 22-1-2 NMSA 1978 (being Laws 2003,
21 Chapter 153, Section 3, as amended) is amended to read:

22 "22-1-2. DEFINITIONS.--As used in the Public School Code:

23 A. "academic proficiency" means mastery of the
24 subject-matter knowledge and skills specified in state academic
25 content and performance standards for a student's grade level;

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1 ~~[B. "adequate yearly progress" means the measure~~
2 ~~adopted by the department based on federal requirements to~~
3 ~~assess the progress that a public school or school district or~~
4 ~~the state makes toward improving student achievement;~~

5 ~~G.]~~ B. "commission" means the public education
6 commission;

7 ~~[D.]~~ C. "department" means the public education
8 department;

9 ~~[E.]~~ D. "home school" means the operation by the
10 parent of a school-age person of a home study program of
11 instruction that provides a basic academic educational program,
12 including reading, language arts, mathematics, social studies
13 and science;

14 ~~[F.]~~ E. "instructional support provider" means a
15 person who is employed to support the instructional program of
16 a school district, including educational assistant, school
17 counselor, social worker, school nurse, speech-language
18 pathologist, psychologist, physical therapist, occupational
19 therapist, recreational therapist, marriage and family
20 therapist, interpreter for the deaf and diagnostician;

21 ~~[G.]~~ F. "licensed school employee" means teachers,
22 school administrators and instructional support providers;

23 ~~[H.]~~ G. "local school board" means the policy-
24 setting body of a school district;

25 ~~[I.]~~ H. "local superintendent" means the chief

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1 executive officer of a school district;

2 [J-] I. "parent" includes a guardian or other
3 person having custody and control of a school-age person;

4 [K-] J. "private school" means a school, other than
5 a home school, that offers on-site programs of instruction and
6 that is not under the control, supervision or management of a
7 local school board;

8 [L-] K. "public school" means that part of a school
9 district that is a single attendance center in which
10 instruction is offered by one or more teachers and is
11 discernible as a building or group of buildings generally
12 recognized as either an elementary, middle, junior high or high
13 school or any combination of those and includes a charter
14 school;

15 [M-] L. "school" means a supervised program of
16 instruction designed to educate a student in a particular
17 place, manner and subject area;

18 [N-] M. "school administrator" means a person
19 licensed to administer in a school district and includes school
20 principals and central district administrators;

21 [O-] N. "school-age person" means a person who is
22 at least five years of age prior to 12:01 a.m. on September 1
23 of the school year and who has not received a high school
24 diploma or its equivalent. A maximum age of twenty-one shall
25 be used for a person who is classified as special education

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1 membership as defined in Section 22-8-21 NMSA 1978 or as a
2 resident of a state institution;

3 ~~[P.]~~ Q. "school building" means a public school, an
4 administration building and related school structures or
5 facilities, including teacher housing, that is owned, acquired
6 or constructed by the school district as necessary to carry out
7 the functions of the school district;

8 ~~[Q.]~~ P. "school bus private owner" means a person,
9 other than a school district, the department, the state or any
10 other political subdivision of the state, that owns a school
11 bus;

12 ~~[R.]~~ Q. "school district" means an area of land
13 established as a political subdivision of the state for the
14 administration of public schools and segregated geographically
15 for taxation and bonding purposes;

16 ~~[S.]~~ R. "school employee" includes licensed and
17 nonlicensed employees of a school district;

18 ~~[T.]~~ S. "school principal" means the chief
19 instructional leader and administrative head of a public
20 school;

21 ~~[U.]~~ T. "school year" means the total number of
22 contract days offered by public schools in a school district
23 during a period of twelve consecutive months;

24 ~~[V.]~~ U. "secretary" means the secretary of public
25 education;

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1 ~~[W.]~~ V. "state agency" or "state institution" means
2 the New Mexico military institute, New Mexico school for the
3 blind and visually impaired, New Mexico school for the deaf,
4 New Mexico boys' school, girls' welfare home, New Mexico youth
5 diagnostic and development center, Sequoyah adolescent
6 treatment center, Carrie Tingley crippled children's hospital,
7 New Mexico behavioral health institute at Las Vegas and any
8 other state agency responsible for educating resident children;

9 ~~[X.]~~ W. "state educational institution" means an
10 institution enumerated in Article 12, Section 11 of the
11 constitution of New Mexico;

12 ~~[Y.]~~ X. "substitute teacher" means a person who
13 holds a certificate to substitute for a teacher in the
14 classroom;

15 ~~[Z.]~~ Y. "teacher" means a person who holds a level
16 one, two or three-A license and whose primary duty is classroom
17 instruction or the supervision, below the school principal
18 level, of an instructional program or whose duties include
19 curriculum development, peer intervention, peer coaching or
20 mentoring or serving as a resource teacher for other teachers;

21 ~~[AA.]~~ Z. "certified school instructor" means a
22 teacher or instructional support provider; and

23 ~~[BB.]~~ AA. "certified school employee" or "certified
24 school personnel" means a licensed school employee."

25 SECTION 3. Section 22-1-4 NMSA 1978 (being Laws 1975,

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1 Chapter 338, Section 1, as amended) is amended to read:

2 "22-1-4. FREE PUBLIC SCHOOLS--EXCEPTIONS--WITHDRAWING AND
3 ENROLLING--OPEN ENROLLMENT.--

4 A. Except as provided by Section 24-5-2 NMSA 1978,
5 a free public school education shall be available to any
6 school-age person who is a resident of this state and has not
7 received a high school diploma or its equivalent.

8 B. A free public school education in those courses
9 already offered to persons pursuant to the provisions of
10 Subsection A of this section shall be available to any person
11 who is a resident of this state and has received a high school
12 diploma or its equivalent if there is available space in such
13 courses.

14 C. Any person entitled to a free public school
15 education pursuant to the provisions of this section may enroll
16 or re-enroll in a public school at any time and, unless
17 required to attend school pursuant to the Compulsory School
18 Attendance Law, may withdraw from a public school at any time.

19 D. In adopting and promulgating rules concerning
20 the enrollment of students transferring from a home school or
21 private school to the public schools, the local school board
22 shall provide that the grade level at which the transferring
23 student is placed is appropriate to the age of the student or
24 to the student's score on a student achievement test
25 administered according to the statewide assessment and

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1 accountability system.

2 E. A local school board shall adopt and promulgate
3 rules governing enrollment and re-enrollment at public schools
4 other than charter schools within the school district. These
5 rules shall include:

6 (1) definition of the school district boundary
7 and the boundaries of attendance areas for each public school;

8 (2) for each public school, definition of the
9 boundaries of areas outside the school district boundary or
10 within the school district but outside the public school's
11 attendance area and within a distance of the public school that
12 would not be served by a school bus route as determined
13 pursuant to Section 22-16-4 NMSA 1978 if enrolled, which areas
14 shall be designated as "walk zones";

15 (3) priorities for enrollment of students as
16 follows:

17 (a) first, students residing within the
18 school district and within the attendance area of a public
19 school and students who had resided in the attendance area
20 prior to a parent who is an active duty member of the armed
21 forces of the United States or member of the national guard
22 being deployed and whose deployment has required the student to
23 relocate outside the attendance area for custodial care;

24 (b) second, students enrolled in a
25 school [~~ranked as a school that needs improvement or a school~~

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1 ~~subject to corrective action]~~ rated as "F" for two of the prior
2 four years pursuant to the A-B-C-D-F Schools Rating Act;

3 (c) third, students who previously
4 attended the public school; and

5 (d) fourth, all other applicants;

6 (4) establishment of maximum allowable class
7 size if smaller than that permitted by law; and

8 (5) rules pertaining to grounds for denial of
9 enrollment or re-enrollment at schools within the school
10 district and the school district's hearing and appeals process
11 for such a denial. Grounds for denial of enrollment or re-
12 enrollment shall be limited to:

13 (a) a student's expulsion from any
14 school district or private school in this state or any other
15 state during the preceding twelve months; or

16 (b) a student's behavior in another
17 school district or private school in this state or any other
18 state during the preceding twelve months that is detrimental to
19 the welfare or safety of other students or school employees.

20 F. In adopting and promulgating rules governing
21 enrollment and re-enrollment at public schools other than
22 charter schools within the school district, a local school
23 board may establish additional enrollment preferences for rules
24 admitting students in accordance with the third and fourth
25 priorities of enrollment set forth in Subparagraphs (c) and (d)

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1 of Paragraph (3) of Subsection E of this section. The
2 additional enrollment preferences may include:
3 (1) after-school child care for students;
4 (2) child care for siblings of students
5 attending the public school;
6 (3) children of employees employed at the
7 public school;
8 (4) extreme hardship;
9 (5) location of a student's previous school;
10 (6) siblings of students already attending the
11 public school; and
12 (7) student safety.

13 G. As long as the maximum allowable class size
14 established by law or by rule of a local school board,
15 whichever is lower, is not met or exceeded in a public school
16 by enrollment of first- and second-priority persons, the public
17 school shall enroll other persons applying in the priorities
18 stated in the school district rules adopted pursuant to
19 Subsections E and F of this section. If the maximum would be
20 exceeded by enrollment of an applicant in the second through
21 fourth priority, the public school shall establish a waiting
22 list. As classroom space becomes available, persons highest on
23 the waiting list within the highest priority on the list shall
24 be notified and given the opportunity to enroll."

25 SECTION 4. A new section of the Assessment and

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1 Accountability Act is enacted to read:

2 "[NEW MATERIAL] REPORTING RECOMMENDED CHANGES TO LAWS.--By
3 the end of the 2015 calendar year and each calendar year
4 thereafter, the department shall report to the legislative
5 education study committee the department's recommendations for
6 proposed changes to laws to comport with any applicable federal
7 requirements."

8 SECTION 5. Section 22-2C-3 NMSA 1978 (being Laws 2003,
9 Chapter 153, Section 12) is amended to read:

10 "22-2C-3. ACADEMIC CONTENT AND PERFORMANCE STANDARDS--
11 [~~STATE BOARD~~] DEPARTMENT POWERS AND DUTIES.--

12 A. The [~~state board~~] department shall adopt
13 academic content and performance standards for grades one
14 through twelve in the following areas:

- 15 (1) mathematics;
16 (2) reading and language arts;
17 (3) science; and
18 (4) social studies.

19 B. The [~~state board~~] department may adopt content
20 and performance standards in other subject areas.

21 C. Academic content and performance standards shall
22 be sufficiently academically challenging to meet or exceed any
23 applicable federal requirements.

24 D. The department shall measure the performance of
25 every public school in New Mexico. [~~Public schools achieving~~

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1 ~~the greatest improvement in adequate yearly progress shall be~~
2 ~~eligible for supplemental incentive funding. The state board~~
3 ~~shall establish the corrective actions and interventions~~
4 ~~necessary for public schools that do not achieve adequate~~
5 ~~yearly progress.]"~~

6 SECTION 6. Section 22-2C-4 NMSA 1978 (being Laws 2003,
7 Chapter 153, Section 13, as amended by Laws 2007, Chapter 306,
8 Section 1 and by Laws 2007, Chapter 307, Section 3 and also by
9 Laws 2007, Chapter 308, Section 3) is amended to read:

10 "22-2C-4. STATEWIDE ASSESSMENT AND ACCOUNTABILITY
11 SYSTEM--INDICATORS--REQUIRED ASSESSMENTS--ALTERNATIVE
12 ASSESSMENTS--LIMITS ON ALTERNATIVES TO ENGLISH LANGUAGE READING
13 ASSESSMENTS.--

14 A. The department shall establish a statewide
15 assessment and accountability system that is aligned with the
16 state academic content and performance standards [~~and that~~
17 ~~measures adequate yearly progress for each public school and~~
18 ~~school district. Adequate yearly progress shall be determined~~
19 ~~primarily by student academic achievement, as demonstrated by~~
20 ~~statewide standards-based assessments; however, the department~~
21 ~~may include other indicators of adequate yearly progress,~~
22 ~~including graduation rates for high schools and attendance for~~
23 ~~elementary and middle schools].~~

24 B. The academic assessment program [~~for adequate~~
25 ~~yearly progress]~~ shall test student achievement as follows:

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1 (1) for grades three through eight and for
2 grade eleven, standards-based assessments in mathematics,
3 reading and language arts [~~and social studies~~];

4 (2) for grades three through eight, a
5 standards-based writing assessment with the writing assessment
6 scoring criteria applied to the extended response writing
7 portions of the language arts standards-based assessments; and

8 (3) for one of grades three through five and
9 six through eight and for grade eleven, standards-based
10 assessments in science by the 2007-2008 school year.

11 C. The department shall involve appropriate
12 licensed school employees in the development of the standards-
13 based assessments.

14 D. Before August 5 of each year, the department
15 shall provide student scores on all standards-based assessments
16 taken during the prior school year and required in Subsection B
17 of this section to students' respective school districts in
18 order to make test score data available to assist school
19 district staff with appropriate grade-level and other placement
20 for the current school year.

21 E. All students shall participate in the academic
22 assessment program. The department shall adopt standards for
23 reasonable accommodations in standards-based assessments for
24 students with disabilities and limited English proficiency,
25 including when and how accommodations may be applied. The

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1 legislative education study committee shall review the
2 standards prior to adoption by the department.

3 F. Students who have been determined to be limited
4 English proficient may be allowed to take the standards-based
5 assessment in their primary language. A student who has
6 attended school for three consecutive years in the United
7 States shall participate in the English language reading
8 assessment unless granted a waiver by the department based on
9 criteria established by the department. An English language
10 reading assessment waiver may be granted only for a maximum of
11 two additional years and only on a case-by-case basis."

12 SECTION 7. Section 22-2C-5 NMSA 1978 (being Laws 2003,
13 Chapter 153, Section 14, as amended) is amended to read:

14 "22-2C-5. [~~STUDENT ACHIEVEMENT RATINGS--CALCULATION OF~~
15 ~~ADEQUATE YEARLY PROGRESS]~~ MEASURING AND CATEGORIZING STUDENTS'
16 ACADEMIC PERFORMANCE.--The department shall adopt the process
17 and methodology for [~~calculating adequate yearly progress. The~~
18 ~~statewide standards-based assessments used to assess adequate~~
19 ~~yearly progress shall be valid and reliable and shall conform~~
20 ~~with nationally recognized professional and technical~~
21 ~~standards]~~ measuring students' academic performance. Academic
22 performance shall be [~~measured]~~ categorized by school and by
23 the following subgroups:

- 24 A. ethnicity;
- 25 B. race;

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- 1 C. limited English proficiency;
- 2 D. students with disabilities; and
- 3 E. poverty."

4 SECTION 8. Section 22-2C-8 NMSA 1978 (being Laws 2003,
5 Chapter 153, Section 17) is amended to read:

6 "22-2C-8. [~~ADEQUATE YEARLY PROGRESS--SUPPLEMENTAL~~
7 ~~INCENTIVE FUNDING--STATE PROGRAM FOR OTHER ACHIEVEMENT~~] STATE
8 IMPROVING SCHOOLS PROGRAM.--

9 [~~A. The state board shall institute an "adequate~~
10 ~~yearly progress program" that measures public schools'~~
11 ~~improvements in adequate yearly progress. The public schools~~
12 ~~that show the greatest improvement in adequate yearly progress~~
13 ~~shall be eligible for supplemental funding from the incentives~~
14 ~~for school improvement fund, including allowable federal funds.~~

15 B.] The [state board] department may institute a
16 "state improving schools program" that measures public school
17 improvement [~~by adequate yearly progress and other indicators,~~
18 ~~including~~] through school safety, dropout rate, parent and
19 community involvement and [~~if not used to determine adequate~~
20 ~~yearly progress~~] graduation and attendance rates. Those
21 indicators may be weighed against socioeconomic variables such
22 as the percentage of student mobility rates, the percentage of
23 limited English proficient students using criteria established
24 by the federal office of civil rights and the percentage of
25 students eligible for free or reduced-fee lunches and other

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1 factors determined by the [~~state board~~] department. Public
2 schools that show the greatest improvement [~~through the use of~~
3 ~~additional indicators~~] may be eligible for supplemental funding
4 from the incentives for school improvement fund pursuant to
5 Section 22-2C-9 NMSA 1978. Funding for the state improving
6 schools program [~~shall~~] may include federal funds [~~only if~~
7 ~~allowed by~~] allowable under federal law or rule."

8 SECTION 9. Section 22-2C-9 NMSA 1978 (being Laws 2003,
9 Chapter 153, Section 18) is amended to read:

10 "22-2C-9. INCENTIVES FOR SCHOOL IMPROVEMENT FUND--
11 CREATED--DISTRIBUTIONS.--

12 A. The "incentives for school improvement fund" is
13 created in the state treasury. The fund includes
14 appropriations, federal allocations for the purposes of the
15 fund, income from investment of the fund, gifts, grants and
16 donations. Balances in the fund shall not revert to any other
17 fund at the end of any fiscal year. The fund shall be
18 administered by the department, and money in the fund is
19 appropriated to the department to provide supplemental
20 incentive funding for [~~the adequate yearly progress program~~
21 ~~and~~] the state improving schools program. No more than three
22 percent of the fund may be retained by the department for
23 administrative purposes. Money in the fund shall be expended
24 on warrants of the secretary of finance and administration
25 pursuant to vouchers signed by the [~~state superintendent~~]

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1 secretary of public education or [~~his~~] the secretary's
2 authorized representative.

3 B. The [~~state board~~] department shall adopt a
4 formula for distributing incentive funding from the fund.
5 [~~Distributions for the adequate yearly progress program shall~~
6 ~~account for at least sixty percent of the fund, including~~
7 ~~federal funds if those funds are restricted to adequate yearly~~
8 ~~progress improvements. Up to forty percent of the fund, not~~
9 ~~including restricted federal funds, may be used for the state~~
10 ~~improving schools program.~~] The total number of public schools
11 that receive supplemental funding shall not constitute more
12 than fifteen percent of the student membership in the state.
13 Distributions shall be made proportionately to public schools
14 that qualify.

15 C. Each public school's school council shall
16 determine how the supplemental funding shall be used. The
17 money received by a public school shall not be used for
18 salaries, salary increases or bonuses, but may be used to pay
19 substitute teachers when teachers attend professional
20 development activities."

21 SECTION 10. Section 22-2C-10 NMSA 1978 (being Laws 2003,
22 Chapter 153, Section 19) is amended to read:

23 "22-2C-10. SCHOOLS IN NEED OF IMPROVEMENT FUND--
24 CREATED.--

25 A. The "schools in need of improvement fund" is
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1 created in the state treasury. The fund includes
2 appropriations, federal allocations for the purposes of the
3 fund, income from investment of the fund, gifts, grants and
4 donations. Balances in the fund shall not revert to any other
5 fund at the end of any fiscal year. The fund shall be
6 administered by the department, and money in the fund is
7 appropriated to the department to provide assistance to public
8 schools in need of improvement [~~and public schools subject to~~
9 ~~corrective action~~]. No more than three percent of the fund may
10 be retained by the department for administrative purposes.
11 Money in the fund shall be expended on warrants of the
12 secretary of finance and administration pursuant to vouchers
13 signed by the [~~state superintendent or his~~] secretary of public
14 education or the secretary's authorized representative.

15 B. Distributions from the fund shall be by
16 application approved by the department [~~based on a public~~
17 ~~school's approved improvement plan as provided in Section~~
18 ~~22-2C-7 NMSA 1978~~]."

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

21 "22-2C-11. ASSESSMENT AND ACCOUNTABILITY SYSTEM
22 REPORTING--PARENT SURVEY--DATA SYSTEM--FISCAL INFORMATION.--

23 A. The department shall:

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

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1 system;

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

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

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

25 (a) Caucasian, non-Hispanic;

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- 1 (b) Hispanic;
- 2 (c) African American;
- 3 (d) American Indian or Alaska Native;
- 4 (e) Native Hawaiian or other Pacific
- 5 Islander;
- 6 (f) Asian;
- 7 (g) two or more races; and
- 8 (h) other; provided that if the sample
- 9 of students in any category enumerated in Subparagraphs (a)
- 10 through (g) of this paragraph is so small that a student in the
- 11 sample may be personally identifiable in violation of the
- 12 federal Family Educational Rights and Privacy Act of 1974, the
- 13 report may combine that sample into the "other" category;
- 14 (5) report cohort graduation data annually for
- 15 the state, for each school district and for each state-
- 16 chartered charter school and each public high school, based on
- 17 information provided by all school districts and state-
- 18 chartered charter schools according to procedures established
- 19 by the department; provided that the report shall include the
- 20 number and percentage of students in a cohort who:
- 21 (a) have graduated by August 1 of the
- 22 fourth year after entering the ninth grade;
- 23 (b) have graduated in more than four
- 24 years, but by August 1 of the fifth year after entering ninth
- 25 grade;

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

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

10 (e) have exited public school and
11 indicated an intent to pursue a [~~general educational~~
12 ~~development certificate~~] high school equivalency credential; or

13 (f) are still enrolled in public school;

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

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

25 B. Local school boards and governing boards of

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1 charter schools may establish additional indicators through
2 which to measure the school district's or charter school's
3 performance [~~in areas other than adequate yearly progress~~].

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

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

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

22 (3) who have exited public school and
23 indicated an intent to pursue a [~~general educational~~
24 ~~development certificate~~] high school equivalency credential;

25 (4) who are still enrolled; and

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1 (5) whose other educational outcomes are known
2 to the school district.

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

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

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1 (5) school employees, including the school
2 principal; and

3 (6) parents' views of teaching staff
4 expectations for the students.

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

19 F. The school district's or state-chartered charter
20 school's annual accountability report shall be adopted by the
21 local school board or governing body of the state-chartered
22 charter school, shall be published no later than November 15 of
23 each year and shall be published at least once each school year
24 in a newspaper of general circulation in the county where the
25 school district or state-chartered charter school is located.

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

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

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

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

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

23 K. At the end of fiscal year 2005, after the budget
24 approval cycle, the department shall produce a report to the
25 legislature that shows for all school districts using

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

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

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

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

25 SECTION 12. Section 22-8E-6 NMSA 1978 (being Laws 2005,
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1 Chapter 292, Section 6) is amended to read:

2 "22-8E-6. RENEWAL OF CHARTER.--

3 A. A charter for a charter school district may be
4 renewed for successive periods of five years each.

5 B. Before it submits an application for renewal to
6 the department, the local school board shall hold a public
7 hearing to adopt a resolution approving the application for
8 renewal.

9 C. A charter school district renewal application
10 submitted to the department shall contain:

11 (1) a report on the progress that the charter
12 school district has made toward achieving the goals of its
13 charter;

14 ~~[(2) a list of schools in the charter school~~
15 ~~district that have made adequate yearly progress;~~

16 ~~(3) a list of schools in the charter school~~
17 ~~district that have not made adequate yearly progress, together~~
18 ~~with an indication of the school improvement status of each of~~
19 ~~those schools;~~

20 ~~(4)]~~ (2) a petition in support of the charter
21 school district renewing its charter school district status
22 signed by not less than sixty-five percent of the employees in
23 the charter school district;

24 ~~[(5)]~~ (3) a resolution by the local school
25 board requesting renewal of the charter; and

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1 [~~(6)~~] (4) any other information that the
2 department deems appropriate."

3 SECTION 13. Section 22-10A-14 NMSA 1978 (being Laws 2003,
4 Chapter 153, Section 45) is amended to read:

5 "22-10A-14. CERTIFICATES OF WAIVER.--

6 A. If a local superintendent or governing authority
7 of a state agency certifies to the department that an emergency
8 exists in the hiring of a qualified person, the department may
9 issue a certificate of teaching waiver or assignment waiver.

10 B. The department may issue a certificate of
11 teaching waiver to a person who holds a baccalaureate degree
12 but does not meet other requirements for licensure as a level
13 one teacher. Certificates of teaching waivers are one-year
14 waivers and may be renewed only if the holder provides
15 satisfactory evidence of continued progress toward a level one
16 license.

17 C. At the request of a local superintendent, the
18 department may issue a certificate of assignment waiver to a
19 licensed teacher who is assigned to teach outside [~~his~~] the
20 teacher's teaching endorsement area. A certificate of
21 assignment waiver may be renewed each school year if the
22 teacher provides satisfactory evidence of continued progress
23 toward meeting the requirements for endorsement.

24 ~~[D. A teacher who holds a teaching or assignment~~
25 ~~waiver shall not be assigned to a school that has not made~~

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1 ~~adequate yearly progress for two consecutive years.]"~~

2 SECTION 14. Section 22-23B-6 NMSA 1978 (being Laws 2010,
3 Chapter 108, Section 6 and Laws 2010, Chapter 114, Section 6)
4 is amended to read:

5 "22-23B-6. STATEWIDE STATUS REPORT.--

6 A. The department, in collaboration with the higher
7 education department, shall submit an annual preschool through
8 post-secondary statewide Hispanic education status report no
9 later than November 15 to the governor and the legislature
10 through the legislative education study committee. A copy
11 shall be provided to the legislative library in the legislative
12 council service.

13 B. The status report shall include the following
14 information, by school district, by charter school and
15 statewide, which may be compiled from data otherwise required
16 to be submitted to the department:

17 (1) Hispanic student achievement at all
18 grades;

19 (2) attendance for all grades;

20 (3) the graduation rates for Hispanic
21 students; and

22 ~~[(4) the number of Hispanic students in~~
23 ~~schools that make adequate yearly progress and in schools at~~
24 ~~each level of school improvement or restructuring; and~~

25 ~~(5)]~~ (4) the number and type of bilingual and

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1 multicultural programs in each school district and charter
2 school.

3 C. The status report shall include the following
4 information, by post-secondary educational institution, which
5 may be compiled from data otherwise required to be submitted to
6 the higher education department:

- 7 (1) Hispanic student enrollment;
- 8 (2) Hispanic student retention; and
- 9 (3) Hispanic student completion rates."

10 SECTION 15. REPEAL.--Sections 22-2C-7, 22-2C-7.1 and
11 22-2C-12 NMSA 1978 (being Laws 2003, Chapter 153, Section 16,
12 Laws 2007, Chapter 309, Section 6 and Laws 2009, Chapter 189,
13 Section 1, as amended) are repealed.