



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2026 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: January 14 2026

Bill No: SB34

Committee Referrals: SEC/SHPAC

Agency Name and Code: PED - 924

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Short PUBLISH STANDARDS-
Title: BASED ASSESSMENT INFO

SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY27	FY28		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY27	FY28	FY29		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY27	FY28	FY29	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$400.0	\$400.0	\$400.0	\$1,200.0	Recurring	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: The FY27 Legislative Finance Committee budget recommendation includes \$12.77 million for standards-based assessments.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: This bill would amend the [Assessment and Accountability Act](#) by requiring the Public Education Department (PED) to conspicuously publish, on or by September 1 of each year, the preliminary data on the results of the standards-based assessments from the immediately preceding school year. It also would require the agency to report individual student data to families.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective May 20, 2026.

FISCAL IMPLICATIONS

The bill does not include an appropriation; however, it requires PED to publish academic results twice, with preliminary results published earlier than the accountability results. It also requires that PED report individual student results to parents. These provisions will require additional resources.

SIGNIFICANT ISSUES

Annually by June, school districts and charter schools receive summative testing data that can be prepared for family and educator use, and schools can then provide this data directly to families. This bill would require PED to provide reports directly to families. The PED does not have the capacity to communicate with families in the same ways that schools do.

Preliminary data reporting. The bill would require preliminary data results to include data on the proficiency rates for each tested subject, and each grade tested, by school level, district level and statewide performance and by student demographics. Student demographic data in a report required by the [Assessment and Accountability Act](#) would need to be disaggregated by ethnicity, race, limited English proficiency, students with disabilities, poverty, and gender. Ethnicity and race would need to be reported using the following categories:

- Caucasian;
- Non-Hispanic;
- Hispanic;
- African American;
- American Indian or Alaskan Native;
- Native Hawaiian or other Pacific Islander;
- Asian;
- two or more races; and
- other.

The bill requires PED reporting of results to be clear, concise, and understandable to parents and the general public and in a way that protects the privacy of students. Recently, PED updated its accountability website, [NM Vistas](#), to improve its usability. K-2 reporting has been added to the visualization, and the annual updated was published earlier than in previous years. The PED accountability data is dependent on valid end of year data reporting from districts and charter schools.

Ethical standards for educational assessment are established by professional organizations such as the American Educational Research Association, American Psychological Association, and the National Council on Measurement in Education. These standards focus on ensuring fairness, validity, and appropriate use of assessments in educational settings. The consensus among these organizations is that test scores should not be presented as summarizing student academic achievement without considering additional assessment measures to indicate student performance.

Raw preliminary assessment results may include duplicate tests, tests for one student at multiple schools, tests outside a student's appropriate grade level, or test scores which do not fairly represent a student's academic achievement and should not be used for school accountability. A variety of conditions of testing may invalidate a test score, such as duplicate test records, or various testing irregularities that are not explicitly indicated in raw assessment data. By contrast, accountable assessment results associate each valid test score with a single student and one accountable school.

Raw assessment results are typically reported earlier by PED and labeled, "preliminary." Accountability rules are applied after raw data is received, producing valid and fair results summarizing the knowledge and skill students have exhibited at each school, grade level, and within each demographic group. These results are comparable from year to year when the same accountability rules are applied to the raw assessment data each year.

An example of the difference between preliminary and accountability data is that preliminary data will include every student who participated in the assessment, no matter how long they attended a school-- even if the student was only enrolled for a month prior to testing -- whereas validated data would only include students who meet the definition of a full academic year (the student was enrolled at the same school during the 90-day, 120-day and end-of-year snapshots. PED releases preliminary results with caution, and only to summarize statewide academic achievement, with the caveat that later, accountable results may differ. Summarizing the performance of small groups by demographic, school, or grouped by grade level and school, using preliminary results is not advisable, because early judgments made about schools and districts may be based on aggregate data with invalid test scores included, significantly altering the summary statistics characterizing a school, grade level, or group. From raw assessment data, PED personnel across bureaus and divisions depend on the work of school district and charter school staff to remove invalid records and develop the final assessment file to be used for school accountability. Once all data is available to PED, data cleaning methods approved by the U.S. Department of Education (USED) are applied, and final results are embargoed for inspection by districts and charter schools. PED makes accountable assessment results publicly available by January 15, as required by the USED.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

The bill would require PED to publish student outcome data twice, a preliminary report and an accountability report. The bill would also require the PED to report individual student outcomes directly to families. Doubling the reporting requirement and reporting directly to families would require an additional approximately \$400,000 in PED resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

PED already regularly reports most of the data in the proposed bill via [NM Vistas](#), the public site for New Mexico school district report cards and charter school report cards.

ALTERNATIVES

The bill requires PED to report individual student results to families. Schools may be better positioned to report individual student assessment results to families. Schools receive the individual student data in May or June annually, and have more communication channels with families than the PED does. The sponsor may want to consider moving that reporting requirement from the PED to schools.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

The sponsor may want to consider moving the individual student-level reporting requirement from the PED to schools.