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SENATE BILL 34

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING THE PUBLIC EDUCATION
DEPARTMENT TO REPORT AND PUBLISH DATA ON THE RESULTS OF THE
STANDARDS-BASED ASSESSMENTS ADMINISTERED IN THE IMMEDIATELY
PRECEDING SCHOOL YEAR; REQUIRING THE REPORT TO BE PUBLISHED ON
OR BEFORE SEPTEMBER 1 OF EACH YEAR; MAKING CONFORMING AND
TECHNICAL AMENDMENTS.

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

SECTION 1. Section 22-2C-11 NMSA 1978 (being Laws 2003,
Chapter 153, Section 20, as amended) is amended to read:

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

A. The department shall:

(1) issue a state identification number for

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1 each public school student for use in the accountability data
2 system;

3 (2) adopt the format for the reporting
4 required by the Assessment and Accountability Act that is
5 clear, concise and understandable to parents and the general
6 public and that protects the privacy of students;

7 (3) report individual student assessments to
8 parents, [~~The student assessments~~] which shall include a report
9 [each] on the student's progress and academic needs as measured
10 against state standards;

11 [~~(3) adopt the format for reporting annual~~]

12 (4) report the preliminary data on the results
13 of the standards-based assessments from the immediately
14 preceding school year on or before September 1 of each year,
15 which shall include data on the proficiency rates for each
16 tested subject and each grade tested by school level, district
17 level and statewide performance and by student demographics;

18 (5) provide an annual accountability report on
19 the progress of public schools, school districts, state-
20 chartered charter schools and the department; [a school
21 district's report shall include reports of all locally
22 chartered charter schools in the school district] provided that
23 if the department has adopted a state improving schools
24 program, the annual accountability report shall include the
25 results of that program for each public school; [The annual

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1 ~~accountability report format shall be clear, concise and~~
2 ~~understandable to parents and the general public. All annual~~
3 ~~accountability reports shall ensure that the privacy of~~
4 ~~individual students is protected;~~

5 ~~(4) require that when public schools, school~~
6 ~~districts, state-chartered charter schools and the state~~
7 ~~disaggregate and report school data for demographic subgroups,~~
8 ~~they include data disaggregated by ethnicity, race, limited~~
9 ~~English proficiency, students with disabilities, poverty and~~
10 ~~gender; provided that ethnicity and race shall be reported~~
11 ~~using the following categories:~~

12 ~~(a) Caucasian, non-Hispanic;~~

13 ~~(b) Hispanic;~~

14 ~~(c) African American;~~

15 ~~(d) American Indian or Alaska Native;~~

16 ~~(e) Native Hawaiian or other Pacific~~
17 ~~Islander;~~

18 ~~(f) Asian;~~

19 ~~(g) two or more races; and~~

20 ~~(h) other; provided that if the sample~~
21 ~~of students in any category enumerated in Subparagraphs (a)~~
22 ~~through (g) of this paragraph is so small that a student in the~~
23 ~~sample may be personally identifiable in violation of the~~
24 ~~federal Family Educational Rights and Privacy Act of 1974, the~~
25 ~~report may combine that sample into the "other" category;~~

1 ~~(5)~~] (6) report cohort graduation data
2 annually for the state, for each school district and for each
3 state-chartered charter school and each public high school,
4 based on information provided by all school districts and
5 state-chartered charter schools according to procedures
6 established by the department; provided that the report shall
7 include the number and percentage of students in a cohort who:

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

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

13 (c) 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 (d) have dropped out or whose status is
21 unknown;

22 (e) have exited public school and
23 indicated an intent to pursue a high school equivalency
24 credential; or

25 (f) are still enrolled in public school;

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1 [~~(6)~~] (7) report annually, based on data
2 provided by school districts and state-chartered charter
3 schools, the number and percentage of public school students in
4 each cohort in the state in grades nine through twelve who have
5 advanced to the next grade or graduated on schedule, who remain
6 enrolled but have not advanced to the next grade on schedule,
7 who have dropped out or whose other educational outcomes are
8 known to the department; and

9 [~~(7)~~] (8) establish technical criteria and
10 procedures to define which students are included or excluded
11 from a cohort.

12 B. Local school boards and governing boards of
13 charter schools may establish additional indicators through
14 which to measure the school district's or charter school's
15 performance.

16 C. Student demographic data in a report required by
17 the Assessment and Accountability Act shall be disaggregated by
18 ethnicity, race, limited English proficiency, students with
19 disabilities, poverty and gender. Ethnicity and race shall be
20 reported using the following categories: Caucasian, non-
21 Hispanic; Hispanic; African American; American Indian or
22 Alaskan Native; Native Hawaiian or other Pacific Islander;
23 Asian; two or more races; and other. If the sample of students
24 in an ethnicity and race category, besides the "other"
25 category, is so small that a student in the sample may be

1 personally identifiable in violation of the federal Family
2 Educational Rights and Privacy Act of 1974, the report may
3 combine that sample into the "other" category.

4 D. The department's report on preliminary data on
5 the results of the standards-based assessments shall be
6 conspicuously published on the department's website in an
7 accessible and user-friendly digital format.

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

17 (1) who have received a state certificate by
18 exiting the school system at the end of grade twelve without
19 having satisfied the requirements for a high school diploma as
20 provided in Section 22-13-1.1 NMSA 1978 or completed all course
21 requirements but have not passed the graduation assessment or
22 portfolio of standards-based indicators pursuant to Section
23 22-13-1.1 NMSA 1978;

24 (2) who have dropped out or whose status is
25 unknown;

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1 (3) who have exited public school and
2 indicated an intent to pursue a high school equivalency
3 credential;

4 (4) who are still enrolled; and

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

7 ~~[D.]~~ F. The school district's or state-chartered
8 charter school's annual accountability report shall be adopted
9 by the local school board or governing body of the state-
10 chartered charter school ~~[shall be]~~ and published no later than
11 November 15 of each year ~~[and shall be published at least once~~
12 ~~each school year]~~ in a newspaper of general circulation in the
13 county where the school district or state-chartered charter
14 school is located as well as ~~[online]~~ on the website of the
15 school district or state-chartered charter school. In
16 publication, the report shall be titled "The School District
17 Report Card" or "The Charter School Report Card" and
18 disseminated in accordance with guidelines established by the
19 department to ensure effective communication with parents,
20 students, educators, local policymakers and business and
21 community organizations.

22 ~~[E.]~~ G. The annual accountability report shall
23 include the names of ~~[those]~~ the members of the local school
24 board or the governing body of the charter school who failed to
25 attend annual mandatory training.

1 [F.] H. The annual accountability report shall
2 include data on expenditures for central office administration
3 and expenditures for the public schools of the school district
4 or charter school.

5 [G.] I. The department shall create [~~an~~
6 ~~accountability~~] a data system for preliminary and
7 accountability data through which data from each public school
8 and each school district or state-chartered charter school may
9 be compiled and reviewed. The department shall provide the
10 resources to train school district and charter school personnel
11 in the use of the accountability data system.

12 [H.] J. The department shall verify data submitted
13 by the school districts and state-chartered charter schools.

14 [~~I. At the end of fiscal year 2005~~] K. After the
15 budget approval cycle, the department shall produce a report to
16 the legislature that shows, for all school districts, [~~using~~
17 ~~performance-based program budgeting~~] the relationship between
18 [~~that~~] the portion of a school district's program cost
19 generated by each public school in the school district and the
20 budgeted expenditures for each public school in the school
21 district as reported in the district's performance-based
22 program budget. [~~At the end of fiscal year 2006 and subsequent~~
23 ~~fiscal years, after the budget approval cycle, the department~~
24 ~~shall report on this relationship in all public schools in all~~
25 ~~school districts in the state.~~

1 ~~J. When all public schools are participating in~~
2 ~~performance-based budgeting]~~

3 L. The department shall recommend annually to the
4 legislature [~~for inclusion in the general appropriation act~~
5 ~~the]~~ a maximum percentage of general appropriation act
6 appropriations that may be expended in each school district for
7 central office administration.

8 ~~[K.]~~ M. The department shall disseminate its
9 statewide accountability report to school districts and charter
10 schools; the governor, legislators and other policymakers; and
11 business and economic development organizations.

12 ~~[L.]~~ N. As used in this section, "cohort" means a
13 group of students who enter grade nine for the first time at
14 the same time, plus those students who transfer into the group
15 in later years and minus those students who leave the cohort
16 for documented excusable reasons."