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HOUSE BILL 76

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO EDUCATION; PROHIBITING SCHOOL DISTRICTS FROM
ADMINISTERING OR USING NORM-REFERENCED TESTING.

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

Section 1. Section 22-1-6 NMSA 1978 (being Laws 1989,
Chapter 308, Section 1, as amended) is amended to read:

"22-1-6. ANNUAL SCHOOL DISTRICT ACCOUNTABILITY REPORT
REQUIRED. --

A. School districts are required to publish an
annual school district accountability report to provide
district-wide data for the previous school year. The state
board shall establish the format for the accountability reports
and ensure that the relevant data is provided annually to
parents, students, educators, policymakers, legislators, the
governor and business and economic development organizations.

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1 The department of education shall establish the following five
2 indices through which public school performance shall be
3 measured and reported to school districts:

4 (1) student achievement as measured by [~~a~~
5 ~~nationally norm-referenced test approved by the department of~~
6 ~~education or through~~] a performance-based instrument to measure
7 proficiency;

8 (2) school safety;

9 (3) the dropout rate;

10 (4) attendance; and

11 (5) parent and community involvement.

12 The department of education shall establish the
13 methodology for measuring each of the five indices.

14 B. Effective July 1, 1999, school districts shall
15 annually administer [~~a nationally norm-referenced test or~~] a
16 standards-based assessment to all students enrolled in a public
17 school in grades three through nine. Only students with
18 disabilities deemed incapable of taking the test as determined
19 on their individual educational programs shall be exempted from
20 this requirement. Students who have been assessed as non-
21 English or limited English proficient using state approved
22 language assessments and meeting required thresholds shall be
23 exempted from this test and provided an alternative [~~norm-~~
24 ~~referenced or~~] standards-based assessment in their primary
25 language. School districts shall not administer or use norm-

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1 referenced testing. School districts shall report the
2 following to the department of education:

3 (1) the results of the [~~norm-referenced test~~
4 ~~or~~] standards-based assessment;

5 (2) the number of enrolled students who did
6 not take the test, the school in which they are enrolled and
7 the reason for the exemption from the test; and

8 (3) separately and as part of the aggregate
9 report, the results of assessments of students enrolled in
10 special education class A, B, C and D programs who took the
11 test and the school in which they are enrolled, except in cases
12 where the number of students being reported is less than ten.

13 C. School districts shall set two-, four- and six-
14 year benchmarks in each of the five indices for each public
15 school. Local school boards may establish additional indices,
16 if reviewed by the department of education, through which to
17 measure the school district's performance in other areas.

18 D. The annual accountability report shall also
19 include the results of a survey of parents' views of the
20 quality of their children's school. The survey shall be
21 conducted each year in time to include the results in the
22 annual accountability report. The survey shall compile the
23 results of a written questionnaire that shall be sent home with
24 the students to be given to their parents. The survey may be
25 completed anonymously. The survey shall be no more than one

1 page, shall be clearly and concisely written and shall include
2 not more than twenty questions that shall be answered with
3 options of a simple sliding scale ranging from "strongly agree"
4 to "strongly disagree" and shall include the optional response
5 "don't know". The survey shall also include a request for
6 optional written comments, which may be written on the back of
7 the questionnaire form. The questionnaire shall include
8 questions in the following areas:

- 9 (1) parent-teacher-school relationship and
10 communication;
- 11 (2) quality of educational and extracurricular
12 programs;
- 13 (3) instructional practices and techniques;
- 14 (4) resources;
- 15 (5) school personnel, including the school
16 principal; and
- 17 (6) parents' view of teaching staff
18 expectations for the students.

19 The state board shall develop no more than ten of the
20 questions, which shall be reviewed by the legislative education
21 study committee prior to implementation. No more than five
22 questions shall be developed by the local school board and no
23 more than five questions shall be developed by the staffs of
24 each individual school site; provided that at least half of
25 those questions shall be developed by teachers rather than

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1 administrators, in order to gather information that is specific
2 to the particular community surveyed. The questionnaires shall
3 indicate the public school site and shall be tabulated by the
4 department of education within thirty days of receipt and shall
5 be returned to the respective schools to be disseminated to all
6 parents.

7 E. The annual accountability report shall also
8 include a report of all federal funds distributed directly to
9 the school district or received by the district from the
10 department of education. For each distribution, the purpose
11 for which the money was received shall be stated with a
12 detailed accounting of the purposes for which the funds were
13 expended.

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

24 G. The department of education shall create an
25 accountability data system through which data from each public

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1 school and each school district may be compiled and reviewed.
2 The department of education shall provide the resources to
3 train school district personnel in the use of the
4 accountability data system.

5 H. The department of education shall verify data
6 submitted by the school districts.

7 I. The state board shall measure the performance of
8 every public school in New Mexico. Public schools achieving
9 the highest level of performance shall be eligible for
10 supplemental incentive funding. The state board shall
11 establish the corrective actions and interventions necessary
12 for public schools whose performance level is low.

13 J. The school district shall submit a copy of its
14 annual accountability report to the legislative finance
15 committee, the legislative education study committee and the
16 library of the legislative council service."