

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 237a

49th Legislature, 1st Session, 2009

Short Title: Change Report Card Publication Date

Sponsor(s): Representative Andrew J. Barreras and Others

Analyst: Pamela Herman

Date: February 12, 2009

AS AMENDED

The House Education Committee amendment:

- **removes the directive to publish the school district report card using electronic or print media available;**
- **requires a school district to publish in a newspaper of general circulation, in accordance with guidelines established by the Public Education Department (PED):**
 - **notification that the report card has been prepared and is available for distribution;**
 - **how and where copies of the report may be obtained; and**
 - **a list of the topics covered in the report card; and**
- **requires that the PED guidelines ensure effective communication with parents, students, educators, local policymakers, and business and community organizations.**

Original Bill Summary:

HB 237 amends the *Assessment and Accountability Act* to require that a school district's annual accountability report be published at least once each year by a date determined by the Public Education Department (PED) using electronic or print media available in the county.

Fiscal Impact:

HB 237 makes no appropriation.

Fiscal Issues:

The PED analysis notes "probable" cost savings to school districts statewide of as much as \$450,000 if HB 237 is enacted, assuming every district could use a free medium to publish its report card rather than paying for publication in a newspaper of general circulation.

Issues:

Current state law being amended by HB 237 requires a school district's accountability report to be published no later than November 15 of each year in a newspaper of general circulation in the county where the district is located. The federal *No Child Left Behind Act of 2001* (NCLB) also requires that school districts provide public annual accountability reports.

- The publication data and means of dissemination in state and federal law differ, however, and would still differ if HB 237 is enacted as described below.
- PED states that the department is in compliance with federal law regarding reports.
- However, according to PED, the department and school districts have not been able to comply with the mandates in state law, but if enacted, HB 237 would allow the department to meet the mandate lawfully.

Regarding federal requirements for the timing of report card dissemination:

- Federal guidance on complying with the NCLB report card requirement states that a school district’s report card must be “prepared and disseminated” annually, but it does not specify when the report card must be produced.
- However, federal law does require that, no later than 14 days prior to the start of the school year, parents must be notified if a Title I school has been identified for school improvement, corrective action or restructuring, or if it has been identified as persistently dangerous, so they can exercise their right of school choice for their student. The guidance document suggests that, since some information required in district report cards may not be available before the beginning of the school year, districts may want to consider issuing a “two-part report card” with some data elements available earlier than others.
- PED notes that the State Accountability Workbook does not specify a publication date for the federally required report card.

Regarding state requirements for timing of district accountability reports:

- State law currently requires that a school district’s annual accountability report be issued by November 15 of each year. The PED analysis for HB 237 indicates, however, that New Mexico has historically missed that deadline, publishing district report cards in January or February. PED states that:
 - it takes responsibility for publishing the full *School District Report Card*, although the statute requires that the “annual accountability report” be adopted by the local school board;
 - timely information regarding pre-appeals NCLB accountability data is available to parents and schools in August, as required by federal law;
 - data for the final *School District Report Card* is compiled from multiple sources whose “collection windows” vary;
 - verification of these data sources is time-consuming, repetitious, and in the case of final assessment results involves time for a district review, 30-day appeal period, investigation and potential revision; and
 - duplication of the report card in Spanish adds time to verify interpretive changes.
- PED states that the removal of a publication deadline would not significantly impact its current production of the *School District Report Card*, which is always completed as rapidly as possible.

Regarding federal requirements for the means of communicating school district report cards:

- Federal guidance states that states are encouraged to disseminate state report cards in multiple ways. The document indicates that school districts must disseminate district and school report cards “to all schools that are part of the district, all parents of students in those schools, and the community through public means, such as posting on the Internet, distribution through the media, and distribution through public agencies, public libraries, etc.”
- The guidance further states that school districts “may use their regular method of communicating with parents to meet the dissemination requirement so long as it provides information to *all* parents” [emphasis added].
- The guidance document refers to *A Guide to Effective Accountability Reporting* from the Council of Chief State Schools Officers (CCSSO) which states that an effective accountability report is accessible and useful to its intended audience.

Regarding current state requirements for communicating school district report cards via newspaper publication:

- PED states that mandating the use of newspaper publication imposes an undue financial burden on school districts; the volume of detail in the *School District Report Card* is vast (up to 73 pages in the case of Albuquerque Public Schools), and the current practice is to issue press releases to publicize web links and places to access printed reports.
- PED also notes that, while approximately 31 of New Mexico’s 33 counties have access to newspapers, some of these papers are advertising weeklies with limited circulation.

HB 237 would change the requirement from publication in a newspaper of general circulation in the county to using electronic or print media available.

- Based on data from a May 2008 survey by the Pew Internet and American Life Project, using the Internet alone would not be likely to reach all parents, because national rates at which people use the Internet (at least occasionally) vary by demographic factors; for instance:
 - 90 percent of 18-29 year-olds compared with 70 percent of those 50-65 year-olds;
 - 74 percent of urban residents compared with 63 percent of rural residents;
 - 95 percent of those with an annual household income over \$75,000 compared with 53 percent of those with annual household incomes under \$30,000; and
 - 91 percent of those with a college education compared with 44 percent of those with less than a high school diploma.
- The CCSSO recommends that effectiveness should be the guiding principle of reporting, that is, “the degree to which the document conveys the intended message to the intended audiences and successfully encourages them to act on it.” The CCSSO suggests that the following means should be considered:
 - printing and distributing hard copies;
 - responding to phone requests for printed copies;
 - posting static or interactive Internet versions;

- distributing via statewide or local newspapers;
- advertising availability through broadcast media; and
- soliciting input from stakeholders on the quality of reports and the dissemination system.

Related Bills:

None as of 02/12/2009.