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HOUSE BILL 70

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Rick Miera

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; PROVIDING FOR AN EDUCATIONAL DATA SYSTEM
THAT SERVES PRE-KINDERGARTEN THROUGH POST-GRADUATE EDUCATION.

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

Section 1. EDUCATIONAL DATA SYSTEM.--

A. As used in this section:

(1) "council" means the data system council;

(2) "data system" means the unified pre-kindergarten through post-graduate education accountability data system;

(3) "data system partners" means the public education department and the higher education department;

(4) "educational agencies" means other public agencies and institutions that provide educational services for resident school-age persons and children in state-funded

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1 private pre-kindergarten programs; and

2 (5) "pre-kindergarten through post-graduate
3 system" means an integrated, seamless pre-kindergarten through
4 post-graduate system of education.

5 B. The data system partners, in consultation with
6 the council, shall establish a data system, the purpose of
7 which is to:

8 (1) collect, integrate and report longitudinal
9 student-level and educator data required to implement federally
10 or state-required education performance accountability
11 measures;

12 (2) conduct research and evaluation regarding
13 federal, state and local education and training programs at all
14 levels; and

15 (3) audit and ensure compliance of those
16 programs with applicable federal or state requirements.

17 C. The components of the data system shall include
18 the use of a common student identifier for the pre-kindergarten
19 through post-graduate system and an educator identifier, both
20 of which may include additional identifiers, with the ability
21 to match educator data to student data and educator data to
22 data from schools, post-secondary education programs and other
23 educational agencies.

24 D. The data system partners shall convene a "data
25 system council" made up of the following members:

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1 (1) the secretary of public education or the
2 secretary's designee;

3 (2) the secretary of higher education or the
4 secretary's designee;

5 (3) the secretary of children, youth and
6 families or the secretary's designee;

7 (4) the secretary of workforce solutions or
8 the secretary's designee;

9 (5) the secretary of economic development or
10 the secretary's designee;

11 (6) the secretary of information technology or
12 the secretary's designee;

13 (7) the secretary of human services or the
14 secretary's designee;

15 (8) the secretary of health or the secretary's
16 designee;

17 (9) the director of the office of education
18 accountability or the director's designee;

19 (10) a representative from the office of the
20 governor;

21 (11) the presidents or their designees of one
22 research university, one four-year comprehensive university,
23 two branch colleges and two independent community colleges;
24 provided that the presidents shall be selected by the data
25 system partners in collaboration with organizations that

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1 represent the presidents of those institutions;

2 (12) at least six public school
3 superintendents or their designees; provided that the
4 appointments by the data system partners shall be made so that
5 small, medium and large school districts are equally
6 represented on the council at all times;

7 (13) at least three charter school
8 administrators or their designees appointed by the data system
9 partners;

10 (14) the director of the legislative education
11 study committee or the director's designee; and

12 (15) the director of the legislative finance
13 committee or the director's designee.

14 E. The council shall:

15 (1) meet at least four times each calendar
16 year;

17 (2) create a management plan that assigns
18 authority and responsibility for the operation of the data
19 system among the educational agencies whose data will be
20 included in the data system;

21 (3) assist the educational agencies whose data
22 will be included in the data system in developing interagency
23 agreements to:

24 (a) enable data to be shared across and
25 between the educational agencies;

- 1 (b) define appropriate uses of data;
- 2 (c) assure researcher access to data;
- 3 (d) assure the security of the data

4 system; and

- 5 (e) ensure that the educational system
- 6 agencies represented on the council, the legislative education
- 7 study committee, the legislative finance committee and other
- 8 users, as appropriate, have access to the data system;

- 9 (4) develop a strategic plan for the data
- 10 system; and

- 11 (5) create policies that ensure users have
- 12 prompt and reasonable access to reports generated from the data
- 13 system, including:

- 14 (a) identification of categories of data
- 15 system users based on security level;

- 16 (b) descriptions of the reports that the
- 17 data system is capable of generating on demand; and

- 18 (c) definitions of the most timely
- 19 process by which users may retrieve other reports without
- 20 compromising the security of the data system or the privacy of
- 21 any person whose personally identifiable information is
- 22 contained in the data system.

23 F. The data system strategic plan shall include:

- 24 (1) the development of policy and practical
- 25 goals, including time lines and budget goals, that are to be

1 met through the implementation of the data system; and

2 (2) the training and professional development
3 that the data system partners will provide to policymakers,
4 pre-kindergarten through post-secondary staff and other users
5 who will be accessing or entering data into the data system.

6 G. The confidentiality of personally identifiable
7 student and educator data shall be safeguarded consistent with
8 the requirements of state and federal law. To the extent
9 permitted by law, public entities participating in the data
10 system may:

11 (1) disclose or redisclose data for
12 educational purposes and longitudinal comparisons, analyses or
13 studies, including those authorized by law;

14 (2) enter into agreements with other
15 organizations for research studies to improve instruction for
16 the benefit of local educational agencies, public schools and
17 post-secondary educational institutions, subject to safeguards
18 to ensure that the research organization uses the student
19 records only for the authorized study purposes; and

20 (3) disclose education records to a student's
21 former secondary school or school district upon request solely
22 for purposes of evaluation or accountability for its programs.

23 H. Nothing in this section precludes the data
24 system partners, in consultation with school districts, charter
25 schools and public post-secondary educational institutions,

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1 from collecting and distributing aggregate data about students
2 or educators or data about an individual student or educator
3 without personally identifiable information.

4 I. The data system partners, in consultation with
5 school districts, charter schools and public post-secondary
6 educational institutions, shall jointly promulgate rules to
7 carry out the provisions of this section, including security
8 administration requirements and the provision of training for
9 data entry personnel at all levels.

10 J. By December 31 of each year, the data system
11 partners shall submit a data system status report to the
12 legislature and to the governor. Prior to submission of the
13 report and its publication, the data system partners shall
14 distribute a draft of the report to school districts, charter
15 schools and all public post-secondary educational institutions
16 to allow comment on the draft report.

17 K. The data system partners, in consultation with
18 school districts, charter schools and public post-secondary
19 educational institutions, shall develop and adopt the content
20 and a format for the report, including the ability of the data
21 system to:

22 (1) connect student records from pre-
23 kindergarten through post-graduate education;

24 (2) connect public school educator data to
25 student data;

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1 (3) match individual public school students'
2 test records from year to year to measure academic growth,
3 including student-level college and career readiness test
4 scores;

5 (4) report the number and percentage of
6 untested public school students by school district and by
7 school and by major ethnic group, special education status,
8 poverty status and gender;

9 (5) report high school longitudinal graduation
10 and dropout data, including information that distinguishes
11 between dropouts or students whose whereabouts are unknown and
12 students who have transferred to other schools, including
13 private schools or home schools, other school districts or
14 other states;

15 (6) provide post-secondary remediation data,
16 including assessment scores on exams used to determine the need
17 for remediation;

18 (7) provide post-secondary remedial course
19 enrollment history, including the number and type of credit and
20 noncredit remedial courses being taken;

21 (8) report post-secondary retention data that
22 indicate whether students are returning the second fall term
23 after being enrolled as full-time first-time degree-seeking
24 students;

25 (9) report to New Mexico public high schools

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1 on their students who enroll in a public post-secondary
2 educational institution within three years of graduating or
3 leaving the high school regarding freshman-year outcomes;

4 (10) provide post-secondary student completion
5 status, including information that indicates if students are
6 making annual progress toward their degrees;

7 (11) include data regarding students who have
8 earned a general educational development certificate in
9 reporting post-secondary outcomes;

10 (12) report data collected for the educator
11 accountability reporting system;

12 (13) report pre-kindergarten through post-
13 graduate student-level enrollment data, demographic information
14 and program participation information;

15 (14) report pre-kindergarten through post-
16 graduate student-level transcript information, including
17 information on courses completed, grades earned and cumulative
18 grade point average;

19 (15) connect performance with financial
20 information at all levels;

21 (16) establish and maintain a state data audit
22 system to assess the quality, validity and reliability of data;
23 and

24 (17) provide any other student-level and
25 educator data necessary to assess the performance of the

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pre-kindergarten through post-graduate system.

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