

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 70

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

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

.181581.1

underscored material = new  
[bracketed material] = delete

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:

.181581.1

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) the director of the public school  
20 facilities authority or the director's designee;

21 (11) a representative from the office of the  
22 governor;

23 (12) the presidents or their designees of one  
24 research university, one four-year comprehensive university,  
25 two branch colleges and two independent community colleges;

.181581.1

underscored material = new  
[bracketed material] = delete

1 provided that the presidents shall be selected by the data  
2 system partners in collaboration with organizations that  
3 represent the presidents of those institutions;

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

9 (14) at least three charter school  
10 administrators or their designees appointed by the data system  
11 partners;

12 (15) the director of the legislative education  
13 study committee or the director's designee; and

14 (16) the director of the legislative finance  
15 committee or the director's designee.

16 E. The council shall:

17 (1) meet at least four times each calendar  
18 year;

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

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

.181581.1

1 (a) enable data to be shared across and  
2 between the educational agencies;

3 (b) define appropriate uses of data;

4 (c) assure researcher access to data;

5 (d) assure the security of the data

6 system;

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

11 (f) ensure the privacy of any person  
12 whose personally identifiable information is contained in the  
13 data system;

14 (4) develop a strategic plan for the data  
15 system; and

16 (5) create policies that ensure users have  
17 prompt and reasonable access to reports generated from the data  
18 system, including:

19 (a) identification of categories of data  
20 system users based on security level;

21 (b) descriptions of the reports that the  
22 data system is capable of generating on demand; and

23 (c) definitions of the most timely  
24 process by which users may retrieve other reports without  
25 compromising the security of the data system or the privacy of

.181581.1

1 any person whose personally identifiable information is  
2 contained in the data system.

3 F. The data system strategic plan shall include:

4 (1) the development of policy and practical  
5 goals, including time lines and budget goals, that are to be  
6 met through the implementation of the data system; and

7 (2) the training and professional development  
8 that the data system partners will provide to users who will be  
9 analyzing, accessing or entering data into the data system.

10 G. The confidentiality of personally identifiable  
11 student and educator data shall be safeguarded consistent with  
12 the requirements of state and federal law. To the extent  
13 permitted by the data partners in conformance with state and  
14 federal law, public entities participating in the data system  
15 may:

16 (1) disclose or redisclose data for  
17 educational purposes and longitudinal comparisons, analyses or  
18 studies, including those authorized by law;

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

25 (3) disclose education records to a student's

.181581.1

1 former secondary school or school district upon request solely  
2 for purposes of evaluation or accountability for its programs.

3 H. Nothing in this section precludes the data  
4 system partners, in consultation with school districts, charter  
5 schools and public post-secondary educational institutions,  
6 from collecting and distributing aggregate data about students  
7 or educators or data about an individual student or educator  
8 without personally identifiable information.

9 I. The data system partners, in consultation with  
10 school districts, charter schools and public post-secondary  
11 educational institutions, shall jointly adopt rules to carry  
12 out the provisions of this section, including security  
13 administration requirements and the provision of training for  
14 data entry personnel at all levels.

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

22 K. The data system partners, in consultation with  
23 school districts, charter schools and public post-secondary  
24 educational institutions, shall develop and adopt the content  
25 and a format for the report, including the ability of the data

.181581.1

1 system to:

2 (1) connect student records from pre-  
3 kindergarten through post-graduate education;

4 (2) connect public school educator data to  
5 student data;

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

10 (4) report the number and percentage of  
11 untested public school students by school district and by  
12 school and by major ethnic group, special education status,  
13 poverty status and gender;

14 (5) report high school longitudinal graduation  
15 and dropout data, including information that distinguishes  
16 between dropouts or students whose whereabouts are unknown and  
17 students who have transferred to other schools, including  
18 private schools or home schools, other school districts or  
19 other states;

20 (6) provide post-secondary remediation data,  
21 including assessment scores on exams used to determine the need  
22 for remediation;

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

.181581.1



1 (8) report post-secondary retention data that  
2 indicate whether students are returning the second fall term  
3 after being enrolled as full-time first-time degree-seeking  
4 students;

5 (9) report to New Mexico public high schools  
6 on their students who enroll in a public post-secondary  
7 educational institution within three years of graduating or  
8 leaving the high school regarding freshman-year outcomes;

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

12 (11) include data regarding students who have  
13 earned a general educational development certificate in  
14 reporting post-secondary outcomes;

15 (12) report data collected for the educator  
16 accountability reporting system;

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

20 (14) report pre-kindergarten through post-  
21 graduate student-level transcript information, including  
22 information on courses completed, grades earned and cumulative  
23 grade point average;

24 (15) connect performance with financial  
25 information;

.181581.1

