

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number: HB 321a**

**50th Legislature, 1st Session, 2011**

**Tracking Number: .184283.3**

**Short Title: Educational Data System Revisions**

**Sponsor(s): Representatives James Roger Madalena and Sandra D. Jeff and Others**

**Analyst: Eilani Gerstner**

**Date: March 13, 2011 (revised)**

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**AS AMENDED**

**The House Judiciary Committee amendments:**

- **replace “nonprofit advocacy organizations” with “community organizations”;**
- **provide that parents and directors of community organizations shall not have access to students’ personally identifiable information;**
- **provide that the new data required in the bill be included with the report in 2012;  
and**
- **require that the report include the number of days students were unable to attend their home school as a result of placement in a secure facility of the Children, Youth and Families Department (CYFD).**

**Original Bill Summary:**

HB 321 amends the general provisions in the *Public School Code* relating to the educational data system to:

- **add to the membership of the data council, subject to appointment by the data system partners:**
  - **at least four parents of students in public schools, provided that the parents appointed shall include:**
    - **representatives who are from different areas of the state and are representative of the state’s ethnic diversity; and**
    - **at least one of whom is a parent of a student with disabilities; and**
  - **the directors or their designees of at least two nonprofit advocacy organizations that have a demonstrated interest in educational outcomes for children;**

- add required reports on the ability of the data system to:
  - report the number and percentage of students who have been subject to suspension and expulsion for each school and each school district, reflecting:
    - duplicated and unduplicated instances of suspension and expulsion;
    - the disciplinary infractions leading to suspension;
    - expulsion and the length of the suspension or expulsion; and
    - data that is:
      - ✓ organized according to the students' age, grade, race, ethnicity, gender, and eligibility category for students enrolled in special education;
      - ✓ includes student enrollment in any English language program, homeless student program or free and reduced-fee lunch program; and
      - ✓ indicates students who have been retained a grade;
  - report the number and percentage of students who have been arrested, cited, or referred to CYFD for an alleged delinquent act on school property, including at least the following information reported at both the school and district level:
    - the number of arrests, citations and referrals of students on school property, including arrests, citations or referrals made by law enforcement officers, security guards, school resource officers and other school employees;
    - the offenses for which students were arrested, cited, or referred on school property;
    - statistics regarding the age, race, gender, and eligibility category for students enrolled in special education of students arrested, cited, or referred on school property and categorizing the statistics by offense; and
    - the number of days students were unable to attend their home school as a result of placement in a detention facility.

**Fiscal Impact:**

HB 321 does not contain an appropriation.

**Fiscal Issues:**

The Public Education Department (PED) analysis of HB 321 notes that:

- the additional members to be appointed to the Data System Council are not state employees and may request compensation for time and/or expenses related to their involvement or participation in the council; and
- in particular, the parent representatives are mandated to be from different areas of the state.

Since 2005, the Legislature has appropriated nearly \$15.0 million to PED for the Student Teacher Accountability Reporting System (STARS) – the K-12 educational data system (see “Background,” below for a history of legislative implementation).

### **Substantive Issues (revised):**

HB 321 adds requirements to report data on arrests, citations, and referrals to CYFD, which appear to go beyond the statutory purpose of the educational data system, which is to:

- collect, integrate, and report longitudinal student-level and educator data required to implement federally or state-required education performance accountability measures;
- conduct research and evaluation regarding federal, state, and local education and training programs at all levels; and
- audit and ensure compliance of those programs with applicable federal or state requirements.

Further, according to current law, the Data System Council must “ensure the privacy of any person whose personally identifiable information is contained in the data system.” PED indicates that:

- providing access to the data system to parents and advocacy group representatives would likely violate the *Family Educational Rights and Privacy Act*;
- however, such representatives could provide input on policy issues.

PED also notes that:

- the collection of data on student arrests and citations on school property would be problematic because a school cannot know what activities occur, including what students are arrested, on school property 24 hours a day, seven days a week, and therefore this information could not be easily tracked; and
- the department would have to create reports that would require input from groups that do not participate in the Data System Council, such as law enforcement, and it is unclear how data would be collected from such groups.

Finally, the CYFD analysis of HB 321 indicates that:

- the Juvenile Justice Education superintendent has attended Data System Council meetings as the cabinet secretary’s designee since December 2010;
- Juvenile Justice Education currently reports some student data to PED through STARS;
- however, students placed in a detention center are the responsibility of the school district in which the detention center is located, so staff from each school district would be responsible for reporting the additional information required in HB 321 into STARS.

### **Background:**

Efforts to establish a pre-kindergarten through postsecondary (P-20) educational data system have been ongoing since 2003.

#### **2003**

- Education reform legislation was enacted that included a provision requiring PED to issue a state ID (identification) number for each public school student as part of the state’s assessment and accountability system.

## **2005**

- Realizing that reliable data are critical to educational research and policy development, the Legislature began including language in the *General Appropriation Act* to establish a data warehouse at PED to begin to collect and store student, teacher, course, testing, and financial data in one comprehensive system. Since 2005, the Legislature has supported the implementation of this data system – STARS – with appropriations of approximately \$15.0 million to PED, including four full-time equivalent positions.

## **2007**

- Through legislation endorsed by the Legislative Education Study Committee (LESC), the Legislature implemented additional initiatives directed toward providing New Mexico with a single, unified data system that can exchange information within and across P-20 education and allow the state to continue monitoring achievement as students move from place to place through the education pipeline.
- In particular, in 2007 legislation was enacted to:
  - require postsecondary institutions to collect the Unique ID in their data systems; and
  - require PED to collaborate with public teacher preparation programs and the Higher Education Department (HED) to create a uniform statewide teacher education accountability reporting system to measure and track teacher candidates from pre-entry to post-graduation in order to benchmark the productivity and accountability of New Mexico's teacher work force.

## **2008 and 2009**

During the 2007 interim, the LESC heard a presentation describing the work of the Data Sharing Task Force, which HED convened in response to a request from the LESC to plan the implementation of a common P-20 student ID. According to staff testimony, the work was to proceed through three phases: (1) extending the Unique ID system for STARS into higher education; (2) expanding STARS to include higher education data submitted by postsecondary institutions; and (3) adding enhancements, such as a common online application for admission to college and electronic transcribing between P-12 and public postsecondary institutions.

Taking into account the recommendations of the Data Sharing Task Force, in both 2008 and 2009, the LESC introduced legislation to codify the requirements for a P-20 education data system in law; however, the legislation did not pass. The 2009 legislation included the creation of a data warehouse council.

On June 8, 2009, the Governor issued an executive order creating the New Mexico Data Warehouse Council, co-chaired by the secretaries of education and higher education.

## **2010**

In 2010, LESC-endorsed legislation was enacted to codify the requirements for a P-20 education accountability data system in order to:

- collect, integrate, and report longitudinal student-level and educator data required to implement federal or state education performance accountability measures;

- conduct research and evaluation of federal, state, and local education programs; and
- audit program compliance with federal and state requirements.

The legislation also requires the creation of a data system council, led by the secretaries of PED and HED (the “data system partners”), to oversee the development and implementation of the data system.

**Related Bills:**

None as of March 13, 2011.