

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 02/11/12  
 LAST UPDATED 02/12/12    HB 304/aHEC

SPONSOR Stewart

SHORT TITLE Teacher Exam Results on PED Website    SB \_\_\_\_\_

ANALYST Gudgel

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY12	FY13		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General’s Office (AGO)  
 Public Education Department (PED)

No Response From

Higher Education Department (HED)

### SUMMARY

Synopsis of House Education Committee Amendment

House Education Committee Amendment extends from six weeks to eight weeks the time period within which the Public Education Department just post results of the examination.

Synopsis of Original Bill

House Bill 304 amends the School Personnel Act to require the Public Education Department to post on the department’s website the results of a rigorous assessment of the science of reading for all level 1 license applications for elementary school, including alternative licensure. The department will be required to post results within six weeks of the examination, and the posting shall include the name of the nationally-accredited or state-approved educational institution, but not the candidate’s name.

### FISCAL IMPLICATIONS

PED indicates the bill will have no fiscal impact on the department; however the department is

concerned about bandwidth of the department to carry out the provisions of this bill.

### **SIGNIFICANT ISSUES**

Amendments to the School Personnel Act in 2011 require an applicant for a level 1 elementary school teaching license to pass a rigorous assessment of the candidate's knowledge of the science of teaching reading beginning January 1, 2013. This bill will require the PED to post the results of that assessment on the department's website, linked to the institution of higher education where the applicant received their degree from.

PED's analysis indicates that institutions of higher education are concerned with the requirement to post the results linked to the institution of higher education where the applicant received their degree. Teaching license applicants can register for assessments even though they have not been formally trained for the particular content the assessment is testing. This may lead to misinterpretation of the effectiveness of teacher preparation programs with regard to the science of teaching reading. Additionally, this may result in incorrect self identification of the institution that trained the license applicant.

It is also important to note that institutions of higher education are required to report in the aggregate test results and college of education program completions under both federal Title II guidelines, and the annual Education Accountability Reporting System.

### **ADMINISTRATIVE IMPLICATIONS**

The Public Education Department will be required to post information to their website, including tracking the institutions of higher education license applicants receive their degrees from.

### **TECHNICAL ISSUES**

Provisions requiring applicants to pass a rigorous assessment of the candidate's knowledge of the science of teaching reading don't become effective until January 1, 2013. This bill does not have an effective date so provisions of this bill, if signed by the governor, will become effective 90 days after signature.

### **OTHER SUBSTANTIVE ISSUES**

The Attorney General's Office analysis notes that the posting of assessment results may violate the federal Family Educational Rights and Privacy Act (FERPA), 10 U.S.C. 1232g. FERPA protects the privacy and accuracy of student education records. It is unlikely, however, that the provisions of this bill would result in a violation of FERPA. License applicants are not guaranteed protection under FERPA, nor do the results of the assessment given to license applicants appear to be related to student data. If the results of the assessment are related to identifying student data it would be important that information reported on the website not disclose any such identifying data.

RG/svb:lj