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AN ACT  
RELATING TO PUBLIC SCHOOLS; ELIMINATING CERTAIN REPORTING  
REQUIREMENTS.

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

SECTION 1. Section 22-2C-11 NMSA 1978 (being Laws 2003,  
Chapter 153, Section 20, as amended by Laws 2015, Chapter 58,  
Section 11 and by Laws 2015, Chapter 122, Section 10) is  
amended to read:

"22-2C-11. ASSESSMENT AND ACCOUNTABILITY SYSTEM  
REPORTING--PARENT SURVEY--DATA SYSTEM--FISCAL INFORMATION.--

A. The department shall:

(1) issue a state identification number for  
each public school student for use in the accountability data  
system;

(2) adopt the format for reporting  
individual student assessments to parents. The student  
assessments shall report each student's progress and academic  
needs as measured against state standards;

(3) adopt the format for reporting annual  
progress of public schools, school districts, state-chartered  
charter schools and the department. A school district's  
report shall include reports of all locally chartered charter  
schools in the school district. If the department has  
adopted a state improving schools program, the annual

1 accountability report shall include the results of that  
2 program for each public school. The annual accountability  
3 report format shall be clear, concise and understandable to  
4 parents and the general public. All annual accountability  
5 reports shall ensure that the privacy of individual students  
6 is protected;

7 (4) require that when public schools, school  
8 districts, state-chartered charter schools and the state  
9 disaggregate and report school data for demographic  
10 subgroups, they include data disaggregated by ethnicity,  
11 race, limited English proficiency, students with  
12 disabilities, poverty and gender; provided that ethnicity and  
13 race shall be reported using the following categories:

- 14 (a) Caucasian, non-Hispanic;
- 15 (b) Hispanic;
- 16 (c) African American;
- 17 (d) American Indian or Alaska Native;
- 18 (e) Native Hawaiian or other Pacific  
19 Islander;
- 20 (f) Asian;
- 21 (g) two or more races; and
- 22 (h) other; provided that if the sample

23 of students in any category enumerated in Subparagraphs  
24 (a) through (g) of this paragraph is so small that a student  
25 in the sample may be personally identifiable in violation of

1 the federal Family Educational Rights and Privacy Act of  
2 1974, the report may combine that sample into the "other"  
3 category;

4 (5) report cohort graduation data annually  
5 for the state, for each school district and for each state-  
6 chartered charter school and each public high school, based  
7 on information provided by all school districts and state-  
8 chartered charter schools according to procedures established  
9 by the department; provided that the report shall include the  
10 number and percentage of students in a cohort who:

11 (a) have graduated by August 1 of the  
12 fourth year after entering the ninth grade;

13 (b) have graduated in more than four  
14 years, but by August 1 of the fifth year after entering ninth  
15 grade;

16 (c) have received a state certificate  
17 by exiting the school system at the end of grade twelve  
18 without having satisfied the requirements for a high school  
19 diploma as provided in Section 22-13-1.1 NMSA 1978 or  
20 completed all course requirements but have not passed the  
21 graduation assessment or portfolio of standards-based  
22 indicators pursuant to Section 22-13-1.1 NMSA 1978;

23 (d) have dropped out or whose status is  
24 unknown;

25 (e) have exited public school and

1 indicated an intent to pursue a high school equivalency  
2 credential; or

3 (f) are still enrolled in public  
4 school;

5 (6) report annually, based on data provided  
6 by school districts and state-chartered charter schools, the  
7 number and percentage of public school students in each  
8 cohort in the state in grades nine through twelve who have  
9 advanced to the next grade or graduated on schedule, who  
10 remain enrolled but have not advanced to the next grade on  
11 schedule, who have dropped out or whose other educational  
12 outcomes are known to the department; and

13 (7) establish technical criteria and  
14 procedures to define which students are included or excluded  
15 from a cohort.

16 B. Local school boards and governing boards of  
17 charter schools may establish additional indicators through  
18 which to measure the school district's or charter school's  
19 performance.

20 C. The school district's or state-chartered  
21 charter school's annual accountability report shall include a  
22 report of four- and five-year graduation rates for each  
23 public high school in the school district or state-chartered  
24 charter school. All annual accountability reports shall  
25 ensure that the privacy of individual students is protected.

1 As part of the graduation rate data, the school district or  
2 state-chartered charter school shall include data showing the  
3 number and percentage of students in the cohort:

4 (1) who have received a state certificate by  
5 exiting the school system at the end of grade twelve without  
6 having satisfied the requirements for a high school diploma  
7 as provided in Section 22-13-1.1 NMSA 1978 or completed all  
8 course requirements but have not passed the graduation  
9 assessment or portfolio of standards-based indicators  
10 pursuant to Section 22-13-1.1 NMSA 1978;

11 (2) who have dropped out or whose status is  
12 unknown;

13 (3) who have exited public school and  
14 indicated an intent to pursue a high school equivalency  
15 credential;

16 (4) who are still enrolled; and

17 (5) whose other educational outcomes are  
18 known to the school district.

19 D. The school district's or state-chartered  
20 charter school's annual accountability report shall be  
21 adopted by the local school board or governing body of the  
22 state-chartered charter school, shall be published no later  
23 than November 15 of each year and shall be published at least  
24 once each school year in a newspaper of general circulation  
25 in the county where the school district or state-chartered

1 charter school is located as well as online on the website of  
2 the school district or state-chartered charter school. In  
3 publication, the report shall be titled "The School District  
4 Report Card" or "The Charter School Report Card" and  
5 disseminated in accordance with guidelines established by the  
6 department to ensure effective communication with parents,  
7 students, educators, local policymakers and business and  
8 community organizations.

9 E. The annual accountability report shall include  
10 the names of those members of the local school board or the  
11 governing body of the charter school who failed to attend  
12 annual mandatory training.

13 F. The annual accountability report shall include  
14 data on expenditures for central office administration and  
15 expenditures for the public schools of the school district or  
16 charter school.

17 G. The department shall create an accountability  
18 data system through which data from each public school and  
19 each school district or state-chartered charter school may be  
20 compiled and reviewed. The department shall provide the  
21 resources to train school district and charter school  
22 personnel in the use of the accountability data system.

23 H. The department shall verify data submitted by  
24 the school districts and state-chartered charter schools.

25 I. At the end of fiscal year 2005, after the

1 budget approval cycle, the department shall produce a report  
2 to the legislature that shows for all school districts using  
3 performance-based program budgeting the relationship between  
4 that portion of a school district's program cost generated by  
5 each public school in the school district and the budgeted  
6 expenditures for each public school in the school district as  
7 reported in the district's performance-based program budget.  
8 At the end of fiscal year 2006 and subsequent fiscal years,  
9 after the budget approval cycle, the department shall report  
10 on this relationship in all public schools in all school  
11 districts in the state.

12 J. When all public schools are participating in  
13 performance-based budgeting, the department shall recommend  
14 annually to the legislature for inclusion in the general  
15 appropriation act the maximum percentage of appropriations  
16 that may be expended in each school district for central  
17 office administration.

18 K. The department shall disseminate its statewide  
19 accountability report to school districts and charter  
20 schools; the governor, legislators and other policymakers;  
21 and business and economic development organizations.

22 L. As used in this section, "cohort" means a group  
23 of students who enter grade nine for the first time at the  
24 same time, plus those students who transfer into the group in  
25 later years and minus those students who leave the cohort for

1 documented excusable reasons."

2           **SECTION 2.** Section 22-13-1.7 NMSA 1978 (being Laws  
3 2007, Chapter 348, Section 3) is amended to read:

4           "22-13-1.7. ELEMENTARY PHYSICAL EDUCATION.--

5           A. As used in this section:

6                   (1) "eligible students" means students in  
7 kindergarten through grade six in a public school classified  
8 by the department as an elementary school; and

9                   (2) "physical education" includes programs  
10 of education through which students participate in activities  
11 related to fitness education and assessment; active games and  
12 sports; and development of physical capabilities such as  
13 motor skills, strength and coordination.

14           B. Elementary physical education programs that  
15 serve eligible students are eligible for funding if those  
16 programs meet academic content and performance standards for  
17 elementary physical education programs.

18           C. In granting approval for funding of elementary  
19 physical education programs, the department shall provide  
20 that programs are first implemented in public schools that  
21 have the highest proportion of students most in need based on  
22 the percentage of students eligible for free or reduced-fee  
23 lunch or grade-level schools that serve an entire school  
24 district and in public schools with available space. If the  
25 department determines that an elementary physical education

1 program is not meeting the academic content and performance  
2 standards for elementary physical education programs, the  
3 department shall notify the school district that the public  
4 school's failure to meet the academic content and performance  
5 standards will result in the cessation of funding for the  
6 following school year. The department shall compile the  
7 program results submitted by the school districts each year  
8 and make an annual report to the legislative education study  
9 committee and the legislature.

10 D. An elementary physical education program that  
11 receives state financial support shall:

12 (1) provide for the physical education needs  
13 of students defined in this section; and

14 (2) use teachers with a license endorsement  
15 for physical education. The department shall annually  
16 determine the programs and the consequent number of students  
17 in elementary physical education that will receive state  
18 financial support in accordance with funding available in  
19 each school year."

20 **SECTION 3.** Section 22-13-3.1 NMSA 1978 (being Laws  
21 2001, Chapter 168, Section 1) is amended to read:

22 "22-13-3.1. EVEN START FAMILY LITERACY  
23 PROGRAM--CREATED--GUIDELINES--BENCHMARKS, PERFORMANCE  
24 STANDARDS AND EVALUATIONS.--

25 A. The "even start family literacy program" is

1 created in the department to provide funding for preschool  
2 reading readiness and parenting education. The purpose of  
3 the program is to support the educational and developmental  
4 needs of students in preschool; address cultural diversity;  
5 and provide family support that leads to improved literacy,  
6 improved ability for students to succeed in school and  
7 economic self-sufficiency. Priority for funding shall be  
8 provided to those public schools that have the highest  
9 proportion of limited English proficient students, students  
10 living in poverty and Native American students.

11 B. The department shall develop even start family  
12 literacy program benchmarks and performance standards,  
13 guidelines for program approval and funding approval  
14 criteria. The department shall disseminate the program  
15 information in all public schools and shall provide technical  
16 assistance to public schools in developing proposals.

17 C. The department shall distribute money to public  
18 schools with approved even start family literacy programs  
19 that meet the specified criteria based upon actual program  
20 costs to ensure the implementation of performance based  
21 budgeting measures."

22 SECTION 4. REPEAL.--Sections 22-10A-33 and 22-15-12  
23 NMSA 1978 (being Laws 1989, Chapter 344, Section 2 and Laws  
24 1967, Chapter 16, Section 216, as amended) are repealed. \_\_\_\_\_