

The Legislature  
of the  
State of New Mexico

49th Legislature, 2nd Session

LAWS 2010

CHAPTER 112

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR

HOUSE BILL 70, as amended

Introduced by



21.

# Chapter 112

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 private pre-kindergarten programs; and

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

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

(1) collect, integrate and report

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1 longitudinal student-level and educator data required to  
2 implement federally or state-required education performance  
3 accountability measures;

4 (2) conduct research and evaluation  
5 regarding federal, state and local education and training  
6 programs at all levels; and

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

9 C. The components of the data system shall include  
10 the use of a common student identifier for the pre-  
11 kindergarten through post-graduate system and an educator  
12 identifier, both of which may include additional identifiers,  
13 with the ability to match educator data to student data and  
14 educator data to data from schools, post-secondary education  
15 programs and other educational agencies.

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

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

20 (2) the secretary of higher education or the  
21 secretary's designee;

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

24 (4) the secretary of workforce solutions or  
25 the secretary's designee;

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1 (5) the secretary of economic development or  
2 the secretary's designee;

3 (6) the secretary of information technology  
4 or the secretary's designee;

5 (7) the secretary of human services or the  
6 secretary's designee;

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

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

11 (10) the director of the public school  
12 facilities authority or the director's designee;

13 (11) a representative from the office of the  
14 governor;

15 (12) the presidents or their designees of  
16 one research university, one four-year comprehensive  
17 university, two branch colleges and two independent community  
18 colleges; provided that the presidents shall be selected by  
19 the data system partners in collaboration with organizations  
20 that represent the presidents of those institutions;

21 (13) at least six public school  
22 superintendents or their designees; provided that the  
23 appointments by the data system partners shall be made so that  
24 small, medium and large school districts are equally  
25 represented on the council at all times;

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1 (14) at least three charter school  
2 administrators or their designees appointed by the data system  
3 partners;

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

6 (16) the director of the legislative finance  
7 committee or the director's designee.

8 E. The council shall:

9 (1) meet at least four times each calendar  
10 year;

11 (2) create a management plan that assigns  
12 authority and responsibility for the operation of the data  
13 system among the educational agencies whose data will be  
14 included in the data system;

15 (3) assist the educational agencies whose  
16 data will be included in the data system in developing  
17 interagency agreements to:

18 (a) enable data to be shared across and  
19 between the educational agencies;

20 (b) define appropriate uses of data;

21 (c) assure researcher access to data;

22 (d) assure the security of the data  
23 system;

24 (e) ensure that the educational system  
25 agencies represented on the council, the legislative education HEC/HB 70

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1 study committee, the legislative finance committee and other  
2 users, as appropriate, have access to the data system; and

3 (f) ensure the privacy of any person  
4 whose personally identifiable information is contained in the  
5 data system;

6 (4) develop a strategic plan for the data  
7 system; and

8 (5) create policies that ensure users have  
9 prompt and reasonable access to reports generated from the  
10 data system, including:

11 (a) identification of categories of  
12 data system users based on security level;

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

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

20 F. The data system strategic plan shall include:

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

24 (2) the training and professional  
25 development that the data system partners will provide to

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1 users who will be analyzing, accessing or entering data into  
2 the data system.

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

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

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

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

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

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1 about students or educators or data about an individual  
2 student or educator without personally identifiable  
3 information.

4 I. The data system partners, in consultation with  
5 school districts, charter schools and public post-secondary  
6 educational institutions, shall jointly adopt rules to carry  
7 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 and  
13 publication of the report referred to in subsection K, the  
14 data system partners shall distribute a draft of the report to  
15 school districts, charter schools and all public post-  
16 secondary educational institutions to allow comment on the  
17 draft report.

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

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

25 (2) connect public school educator data to

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1 student data;

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

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

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

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

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

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

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

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

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

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

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

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

20 (15) connect performance with financial  
21 information;

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

25 (17) provide any other student-level and

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1 educator data necessary to assess the performance of the pre-  
2 kindergarten through post-graduate system. \_\_\_\_\_

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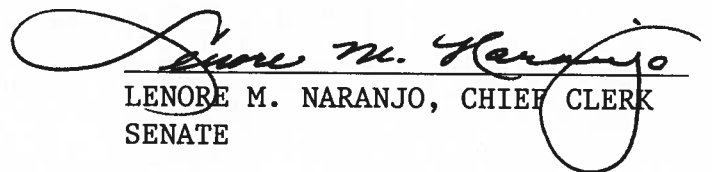
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DIANE D. DENISH, PRESIDENT  
SENATE



LENORE M. NARANJO, CHIEF CLERK  
SENATE

Approved by me this 10<sup>th</sup> day of March, 2010



BILL RICHARDSON, GOVERNOR  
STATE OF NEW MEXICO

CHIEF OF THE CLERK

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LEON M. MARANO, CHIEF CLERK  
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Approved by me this 10/4 day of March, 2010

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