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HOUSE BILL 163

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Dennis J. Roch

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC EDUCATION; RESTRICTING THE USE OF SOCIAL SECURITY NUMBERS.

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

SECTION 1. Section 22-1-11 NMSA 1978 (being Laws 2010, Chapter 112, Section 1) is amended to read:

"22-1-11. 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

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1 agencies and institutions that provide educational services for
2 resident school-age persons and children in state-funded
3 private pre-kindergarten programs; ~~and~~

4 (5) "personally identifiable information"
5 means a person's social security number; and

6 ~~(5)~~ (6) "pre-kindergarten through post-
7 graduate system" means an integrated, seamless pre-kindergarten
8 through post-graduate system of education.

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

12 (1) collect, integrate and report longitudinal
13 student-level and educator data required to implement federally
14 or state-required education performance accountability
15 measures;

16 (2) conduct research and evaluation regarding
17 federal, state and local education and training programs at all
18 levels; and

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

21 C. The components of the data system shall include
22 the use of a common student identifier for the pre-kindergarten
23 through post-graduate system and an educator identifier, both
24 of which may include additional identifiers, with the ability
25 to match educator data to student data and educator data to

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1 data from schools, post-secondary education programs and other
2 educational agencies. Personally identifiable information
3 shall not be used as an identifier pursuant to the provisions
4 of this subsection.

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

7 (1) the secretary of public education or the
8 secretary's designee;

9 (2) the secretary of higher education or the
10 secretary's designee;

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

13 (4) the secretary of workforce solutions or
14 the secretary's designee;

15 (5) the secretary of economic development or
16 the secretary's designee;

17 (6) the secretary of information technology or
18 the secretary's designee;

19 (7) the secretary of human services or the
20 secretary's designee;

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

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

25 (10) the director of the public school

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1 facilities authority or the director's designee;

2 (11) a representative from the office of the
3 governor;

4 (12) the presidents or their designees of one
5 research university, one four-year comprehensive university,
6 two branch colleges and two independent community colleges;
7 provided that the presidents shall be selected by the data
8 system partners in collaboration with organizations that
9 represent the presidents of those institutions;

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

15 (14) at least three charter school
16 administrators or their designees appointed by the data system
17 partners;

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

20 (16) the director of the legislative finance
21 committee or the director's designee.

22 E. The council shall:

23 (1) meet at least four times each calendar
24 year;

25 (2) create a management plan that assigns

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1 authority and responsibility for the operation of the data
2 system among the educational agencies whose data will be
3 included in the data system;

4 (3) assist the educational agencies whose data
5 will be included in the data system in developing interagency
6 agreements to:

7 (a) enable data to be shared across and
8 between the educational agencies;

9 (b) define appropriate uses of data;

10 (c) assure researcher access to data;

11 (d) assure the security of the data
12 system;

13 (e) ensure that the educational system
14 agencies represented on the council, the legislative education
15 study committee, the legislative finance committee and other
16 users, as appropriate, have access to the data system; and

17 (f) ensure the privacy of any person
18 whose personally identifiable information is contained in the
19 data system;

20 (4) develop a strategic plan for the data
21 system; and

22 (5) create policies that ensure users have
23 prompt and reasonable access to reports generated from the data
24 system, including:

25 (a) identification of categories of data

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1 system users based on security level;

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

4 (c) definitions of the most timely
5 process by which users may retrieve other reports without
6 compromising the security of the data system or the privacy of
7 any person whose [~~personally identifiable information~~] data is
8 contained in the data system.

9 F. The data system strategic plan shall include:

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

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

16 G. Personally identifiable information shall not be
17 used in the data system. The confidentiality of [~~personally~~
18 ~~identifiable~~] other student and educator data shall be
19 safeguarded consistent with the requirements of state and
20 federal law. To the extent permitted by the data system
21 partners in conformance with state and federal law, public
22 entities participating in the data system may:

23 (1) disclose or redisclose data for
24 educational purposes and longitudinal comparisons, analyses or
25 studies, including those authorized by law;

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1 (2) enter into agreements with other
2 organizations for research studies to improve instruction for
3 the benefit of local educational agencies, public schools and
4 post-secondary educational institutions, subject to safeguards
5 to ensure that the research organization uses the student
6 records only for the authorized study purposes; and

7 (3) disclose education records to a student's
8 former secondary school or school district upon request solely
9 for purposes of evaluation or accountability for its programs.

10 H. Nothing in this section precludes the data
11 system partners, in consultation with school districts, charter
12 schools and public post-secondary educational institutions,
13 from collecting and distributing aggregate data about students
14 or educators or data about an individual student or educator;
15 ~~[without]~~ provided that any collection or distribution of data
16 or aggregate data pursuant to this section excludes personally
17 identifiable information.

18 I. The data system partners, in consultation with
19 school districts, charter schools and public post-secondary
20 educational institutions, shall jointly adopt rules to carry
21 out the provisions of this section, including security
22 administration requirements and the provision of training for
23 data entry personnel at all levels.

24 J. By December 31 of each year, the data system
25 partners shall submit a data system status report to the

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1 legislature and to the governor. Prior to submission and
2 publication of the report referred to in Subsection K of this
3 section, the data system partners shall distribute a draft of
4 the report to school districts, charter schools and all public
5 post-secondary educational institutions to allow comment on the
6 draft report.

7 K. The data system partners, in consultation with
8 school districts, charter schools and public post-secondary
9 educational institutions, shall develop and adopt the content
10 and a format for the report, including the ability of the data
11 system to:

12 (1) connect student records from pre-
13 kindergarten through post-graduate education;

14 (2) connect public school educator data to
15 student data;

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

20 (4) report the number and percentage of
21 untested public school students by school district and by
22 school and by major ethnic group, special education status,
23 poverty status and gender;

24 (5) report high school longitudinal graduation
25 and dropout data, including information that distinguishes

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1 between dropouts or students whose whereabouts are unknown and
2 students who have transferred to other schools, including
3 private schools or home schools, other school districts or
4 other states;

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

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

11 (8) report post-secondary retention data that
12 indicate whether students are returning the second fall term
13 after being enrolled as full-time first-time degree-seeking
14 students;

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

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

22 (11) include data regarding students who have
23 earned a general educational development certificate in
24 reporting post-secondary outcomes;

25 (12) report data collected for the educator

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1 accountability reporting system;

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

5 (14) report pre-kindergarten through post-
6 graduate student-level transcript information, including
7 information on courses completed, grades earned and cumulative
8 grade point average;

9 (15) connect performance with financial
10 information;

11 (16) establish and maintain a state data audit
12 system to assess the quality, validity and reliability of data;
13 and

14 (17) provide any other student-level and
15 educator data necessary to assess the performance of the pre-
16 kindergarten through post-graduate system."

17 SECTION 2. A new section of the Assessment and
18 Accountability Act is enacted to read:

19 "[NEW MATERIAL] USE OF SOCIAL SECURITY NUMBERS
20 PROHIBITED.--Social security numbers shall not be used for any
21 purposes under the Assessment and Accountability Act."

22 SECTION 3. A new section of the School Personnel Act is
23 enacted to read:

24 "[NEW MATERIAL] RESTRICTIONS ON USE OF SOCIAL SECURITY
25 NUMBERS.--The use of a social security number shall be

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restricted to:

A. performing a background check pursuant to
Section 22-10A-5 NMSA 1978;

B. processing a request for or issuing a license
pursuant to the provisions of the School Personnel Act;

C. executing payroll and benefit requirements;

D. complying with a court-issued order or subpoena;

and

E. releasing information containing the social
security number, as requested in writing by the owner of the
social security number."

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