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SECRETARY OF EDUCATION

BILL RICHARDSON  
Governor

November 6, 2009

**MEMORANDUM**

**TO:** Local School District Superintendents,  
Charter Schools

**FROM:** Veronica C. García, Ed.D. [s/ signature on file]  
Secretary of Education

**RE:** Requirements for school district report cards

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It has come to my attention that there is confusion surrounding the requirements of school districts and charter schools regarding school district report cards. Much of this confusion surrounds guidance issued by the U.S. Department of Education under the federal No Child Left Behind Act and how it interplays with requirements under state law. As you may recall I have issued Memoranda dated April 8, 2009 and July 13, 2009 discussing aspects of this issue, but many are still not clear on what school district and charter school responsibilities are under federal No Child Left Behind (NCLB) and relevant state law.

The federal NCLB law requires school districts and state chartered charter schools to issue and publish an annual Local Educational Agency (LEA) Report Card. However, this federal law must be read in conjunction with state law which further defines the parameters and requirements of this report card, which under state law is called a "school district report card".

Publication of the report card in a local newspaper is required by law.

State law requires that the report card "shall be published at least once each school year in a newspaper of general circulation in the county where the school district is located." Section 22-2C-11 NMSA 1978. LEAs MUST publish their report card in a newspaper of general circulation under state law. If districts and state chartered charter schools wish to provide the community additional access to this information they may use additional means for distribution such as posting on the Internet or distribution through public agencies, public libraries, etc. However these additional venues do not replace the requirement of publication in a local newspaper.

As noted in my earlier memoranda, House Bill 237 would have changed the state requirements for publication of the report card so that LEAs would only need to publish notice of the report card's availability and specifications of how and where copies could be obtained. However, Governor Richardson vetoed this legislation and current law as described above still dictates that the entire report card be published in a newspaper of general circulation.

Local school districts and state chartered charter schools must publish the "District Report Cards".

Although by statute, the annual report cards are called "District Report Cards", state chartered charter schools as well as local school districts must publish their annual report cards. Local school districts should also publish the data for all locally chartered charter schools within their school district. This is because under NCLB, locally chartered charter schools are not independent LEAs and therefore the responsibility of publishing the report card falls on the local school district that chartered the charter school. Currently, PED's assessment office issues to locally chartered charter schools individual report cards separate from the local school districts. Nonetheless, a local school district should publish the reports for its school district AND for any locally chartered charter schools within its boundaries.

Finally, there are a few circumstances in which a locally chartered charter school has converted itself to a state-chartered charter school within the past year. In these instances, the local school district is still responsible for publishing the charter school's report card since the data dates back to a point in time when the school was a part of the school district.

Districts and state-chartered charter schools may be able to use the attached shorter format for their district report cards

State statute dictates that PED is responsible for adopting the format for the district report card. Section 22-2C-11(A)(3) NMSA 1978. In the past PED has simply issued individual state district report cards to districts and charter schools to publish in their local newspapers. Although PED will continue issuing these report cards to the school districts and charter schools, I am also attaching a revised format that school districts and state-chartered charter schools may use for dissemination and publication if they so choose. This shorter format may save some publication costs for those school districts and state-chartered charter schools. This shorter form will be made available electronically on the PED website.

I hope that this provides a thorough explanation of current requirements relating to the school district report card. If you have further questions regarding the district report card, please feel free to contact Tom Dauphinee, Interim Supervisor, Assessment & Accountability Division at (505) 827-6528 or Roderick Ventura, PED Assistant General Counsel at (505) 827-6633. Questions pertaining to charter schools can be directed to Rudy Arnold, Assistant General Counsel, Charter Schools Division at (505) 222-4761.

VCG/rv

Enclosure

cc: Dr. Catherine Cross Maple, Deputy Secretary of Education  
Dr. Don Duran, Assistant Secretary of Education, Charter Schools Division

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Dr. Tom Dauphinee, Interim Supervisor, PED Assessment and Accountability Division

Dr. Cindy Gregory, Chief Statistician, PED Assessment and Accountability Division

Rudy Arnold, PED Charter Schools Division

Roderick Ventura, PED Office of General Counsel

Select PED staff

# School District Report Card, Format and Guidance

## NEW MEXICO PUBLIC EDUCATION DEPARTMENT

LEAs, locally chartered, and state chartered charter Schools are required to publish a report card annually. This format and guidance is provided for those entities who wish to publish their own version, either to substitute or to supplement the report published by the State. Two documents are available online to assist you in designing and publishing your own annual report card:

- *Report Cards, Title I Part A, Non-Regulatory Guidance* at:  
[www.ed.gov/programs/titleiparta/reportcardsguidance.doc](http://www.ed.gov/programs/titleiparta/reportcardsguidance.doc)
- *New Mexico Administrative Code, Section 22-2C-11 — Assessment and accountability system reporting; parent survey; data system; fiscal information* at:  
[http://law.justia.com/newmexico/codes/nmrc/jd\\_ch22art2c-6059.html](http://law.justia.com/newmexico/codes/nmrc/jd_ch22art2c-6059.html)

Where the placeholder [Name] is noted, substitute the name of the LEA or the Charter School; [School1] and [School2] refer to names of schools within the LEA. State-Chartered Charter Schools must publish a report that is separate from the LEA report. The report must be titled ***School District Report Card*** and should be labeled for the year of the data, for example: **Sunset Bluffs School District Report Card, School Year 2008-2009**. Confidentiality requires that when reporting student achievement data, cells with fewer than 10 students must be suppressed (masked). Indicate your masking method in the footnote of the table (for an example, see Table 4). The LEA may choose to add additional information, such as achievements or highlights from a special program. However, the following minimum information must be included:

	[Name]		Statewide	
	Number	%	Number	%
Female	34	48.6	159155	48.8
Male	36	51.4	167000	51.2
Caucasian	43	61.4	99600	30.5
African-American	0	0.0	8523	2.6
Hispanic	27	38.6	178091	54.6
Asian/Pacific Islander	0	0.0	4246	1.3
American Indian	0	0.0	35679	10.9
English Language Learners	0	0.0	60832	18.7
Students with Disabilities	11	15.7	48634	14.9
Economically Disadvantaged	44	62.9	193840	59.4
Migrant	0	0.0	796	0.2

\*Source STARS 120 day submission to the Public Education Department.

Table 2: Adequate Yearly Progress (AYP) Summary	
[Name] AYP Rating:	Meets AYP
Improvement Status:	Progressing
Schools rated in the [Name]	4 (100%)
Schools in Improvement	2 ( 50%)
Schools in Corrective Action	0 ( 0%)
Schools in Restructuring	0 ( 0%)

Table 3: Adequate Yearly Progress (AYP) for Schools within [Name]		
School	AYP Rating	Improvement Status
[School1]	Meets AYP	Progressing
[School2]	Meets AYP	Progressing