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HOUSE BILL 160

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Benjamin H. Rodefer

AN ACT

RELATING TO PUBLIC SCHOOLS; IDENTIFYING STANDARDIZED TESTS THAT ARE NOT REQUIRED PURSUANT TO THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2007.

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

Section 1. Section 22-2C-4 NMSA 1978 (being Laws 2003, Chapter 153, Section 13, as amended by Laws 2007, Chapter 306, Section 1 and by Laws 2007, Chapter 307, Section 3 and also by Laws 2007, Chapter 308, Section 3) is amended to read:

"22-2C-4. STATEWIDE ASSESSMENT AND ACCOUNTABILITY SYSTEM--INDICATORS--REQUIRED ASSESSMENTS--ALTERNATIVE ASSESSMENTS--LIMITS ON ALTERNATIVES TO ENGLISH LANGUAGE READING ASSESSMENTS.--

A. The department shall establish a statewide

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1 assessment and accountability system that is aligned with the  
2 state academic content and performance standards and that  
3 measures adequate yearly progress for each public school and  
4 school district. Adequate yearly progress shall be determined  
5 primarily by student academic achievement, as demonstrated by  
6 statewide standards-based assessments; however, the department  
7 may include other indicators of adequate yearly progress,  
8 including graduation rates for high schools and attendance for  
9 elementary and middle schools.

10 B. The academic assessment program for adequate  
11 yearly progress shall test student achievement as follows:

12 (1) for grades three through eight and for  
13 grade eleven, standards-based assessments in mathematics,  
14 reading and language arts and social studies;

15 (2) for grades three through eight, a  
16 standards-based writing assessment with the writing assessment  
17 scoring criteria applied to the extended response writing  
18 portions of the language arts standards-based assessments; and

19 (3) for one of grades three through five and  
20 six through eight and for grade eleven, standards-based  
21 assessments in science by the 2007-2008 school year.

22 C. The department shall involve appropriate  
23 licensed school employees in the development of the standards-  
24 based assessments.

25 D. Before August 5 of each year, the department

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1 shall provide student scores on all standards-based assessments  
2 taken during the prior school year and required in Subsection B  
3 of this section to students' respective school districts in  
4 order to make test score data available to assist school  
5 district staff with appropriate grade-level and other placement  
6 for the current school year.

7 E. All students shall participate in the academic  
8 assessment program. The department shall adopt standards for  
9 reasonable accommodations in standards-based assessments for  
10 students with disabilities and limited English proficiency,  
11 including when and how accommodations may be applied. The  
12 legislative education study committee shall review the  
13 standards prior to adoption by the department.

14 F. Students who have been determined to be limited  
15 English proficient may be allowed to take the standards-based  
16 assessment in their primary language. A student who has  
17 attended school for three consecutive years in the United  
18 States shall participate in the English language reading  
19 assessment unless granted a waiver by the department based on  
20 criteria established by the department. An English language  
21 reading assessment waiver may be granted only for a maximum of  
22 two additional years and only on a case-by-case basis.

23 G. The department shall:

24 (1) report to the legislative education study  
25 committee by October 1 of each year a comparison of the

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1 assessments required pursuant to the statewide assessment and  
2 accountability system and rules of the department with those  
3 assessments required by the federal No Child Left Behind Act of  
4 2001 and other statutory or regulatory provisions of the  
5 federal government;

6 (2) identify the statute or rule number that  
7 requires each of the standardized tests or other state-mandated  
8 assessments;

9 (3) specifically identify standardized testing  
10 and other state-mandated assessments that are not required by  
11 the No Child Left Behind Act of 2001;

12 (4) identify standardized testing and other  
13 state-mandated assessment requirements that could be abolished  
14 with no loss of federal funds for New Mexico public schools;  
15 and

16 (5) identify proposed and promulgated rules  
17 and recommend statutory changes to minimize standardized  
18 testing and other state-mandated assessments."