

A JOINT MEMORIAL

REQUESTING THAT THE PUBLIC EDUCATION DEPARTMENT STUDY THE  
FEASIBILITY OF TESTING STUDENTS IN THEIR HOME LANGUAGE.

WHEREAS, under the federal No Child Left Behind Act of 2001, school districts must ensure that ninety-five percent of all students, including English language learners, participate in the state assessment program; and

WHEREAS, under the No Child Left Behind Act of 2001, school districts must ensure that English language learners are assessed on an annual basis for English language proficiency; and

WHEREAS, under the No Child Left Behind Act of 2001, school districts must ensure that students who have been in school in the United States for three or more consecutive years are assessed using tests written in English; and

WHEREAS, if, after three consecutive years, prior to the date of the test administration, a school district determines on a case-by-case basis that academic assessment in a language other than English would yield more accurate and reliable information, a student may continue to be tested in another language for up to two additional consecutive years; and

WHEREAS, the No Child Left Behind Act of 2001 allows a school district to assess for academic achievement a student who has not attended school in the United States for three

consecutive years by administering the standardized version of the test in the English language; administering the standardized version of the test in the English language with accommodations; administering the standardized version of the test in the Spanish language or other available home language version; or using a locally developed portfolio assessment, which must be aligned with the "New Mexico Content Standards and Benchmarks and Performance Standards"; and

WHEREAS, under the No Child Left Behind Act of 2001, the school district is responsible for monitoring the assessment program, for specifying the necessary interventions to ensure that the student is assessed in English after the end of three consecutive years and for meeting progress expectations in the areas addressed by the "New Mexico Content Standards and Benchmarks and Performance Standards"; and

WHEREAS, accommodations are changes in the test or testing situation that address and consider an English language learner's unique linguistic needs; and

WHEREAS, the use of accommodations is intended to level the playing field and make the assessment fair to all students; and

WHEREAS, with appropriate accommodations, a student's English language learner status should no longer be a hindrance to the student's true demonstration of knowledge and should provide significant benefits to the student and the

school for instructional planning; and

WHEREAS, accommodations include adaptations to testing that do not change the intent of the test; do not change the purpose of the test; do not change the content of the test; do not provide the student with an unfair advantage; do not violate test security; and do not change the focus of what is being assessed; and

WHEREAS, the accommodations provided should be familiar to the student from the student's classroom experience, and the test situation should not be the first time the student has utilized the specific accommodation;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the public education department study the feasibility of testing students in their home language and requiring each school district to determine the appropriate assessments and appropriate test accommodations to be utilized for testing English language learners; and

BE IT FURTHER RESOLVED that the secretary of public education report all action taken with regard to this memorial to the appropriate interim committee prior to the first session of the forty-seventh legislature; and

BE IT FURTHER RESOLVED that copies of this memorial be sent to the secretary of public education and the state director of bilingual and multicultural education.