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HOUSE JOINT MEMORIAL 18
46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004
INTRODUCED BY
Teresa A. Zanetti

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

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

7 WHEREAS, the No Child Left Behind Act of 2001 allows a
8 school district to assess for academic achievement a student
9 who has not attended school in the United States for three
10 consecutive years by administering the standardized version of
11 the test in the English language; administering the
12 standardized version of the test in the English language with
13 accommodations; administering the standardized version of the
14 test in the Spanish language or other available home language
15 version; or using a locally developed portfolio assessment,
16 which must be aligned with the "New Mexico Content Standards
17 and Benchmarks and Performance Standards"; and

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

25 WHEREAS, accommodations are changes in the test or testing

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1 situation that address and consider an English language
2 learner's unique linguistic needs; and

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

6 WHEREAS, with appropriate accommodations, a student's
7 English language learner status should no longer be a hindrance
8 to the student's true demonstration of knowledge and should
9 provide significant benefits to the student and the school for
10 instructional planning; and

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

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

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

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1 for testing English language learners; and

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

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

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