AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING SECTION 22-2C-4 NMSA 1978 (BEING LAWS 2003, CHAPTER 153, SECTION 13, AS AMENDED) TO REQUIRE THE PUBLIC EDUCATION DEPARTMENT TO PROVIDE TO SCHOOL DISTRICTS THEIR RESPECTIVE STUDENTS' SCORES ON ALL REQUIRED STANDARDS-BASED ACADEMIC PERFORMANCE TESTS PRIOR TO THE COMMENCEMENT OF THE SCHOOL YEAR.

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) is amended to read:

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

A. The department shall establish a statewide assessment and accountability system that is aligned with the

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1   state academic content and performance standards and that

2   measures adequate yearly progress for each student, public

3   school and school district. Adequate yearly progress shall be

4   determined primarily by student academic achievement, as

5   demonstrated by statewide standards-based academic performance

6   tests; however, the department may include other indicators of

7   adequate yearly progress, including graduation rates for high

8   schools and attendance for elementary and middle schools.

9   B.   The academic assessment program for adequate

10   yearly progress shall test student achievement as follows by

11   the school year indicated:

12   (1)   for grades three through nine and for

13   grade eleven, standards-based academic performance tests in

14   mathematics, reading and language arts and social studies by

15   the 2005-2006 school year; provided that testing in ninth grade

16   and testing in social studies shall not occur until the

17   legislature has provided funding for test development and

18   implementation;

19   (2)   for grades three through nine, standards-

20   based academic performance writing assessment with the writing

21   assessment scoring criteria applied to the extended response

22   writing portions of the language arts criterion-referenced

23   tests by the 2005-2006 school year; and

24   (3)   for one of grades three through five and

25   six through nine and for grade eleven, standards-based academic

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1   performance tests in science by the 2007-2008 school year.

2   C.   The department shall involve appropriate

3   licensed school employees in the development of the standards-

4   based academic performance tests.

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

6   shall provide student scores on all standards-based academic

7   performance tests taken during the prior school year and

8   required in Subsection B of this section to students'

9   respective school districts in order to make test score data

10   available to assist school district staff with appropriate

11   grade-level and other placement for the current school year.

12   [D.] E.   All students shall participate in the

13   academic assessment program. The department shall adopt

14   standards for reasonable accommodations in academic testing for

15   students with disabilities and limited English proficiency,

16   including when and how accommodations may be applied. The

17   legislative education study committee shall review the

18   standards prior to adoption by the department.

19   [E.] F.   Students who have been determined to be

20   limited English proficient may be allowed to take the

21   standards-based academic performance test in their primary

22   language. A student who has attended school for three

23   consecutive years in the United States shall participate in the

24   English language reading test unless granted a waiver by the

25   department based on criteria established by the department. An

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English language reading test waiver may be granted only for a

maximum of two additional years and only on a case-by-case

basis."

Section 2.   EFFECTIVE DATE.--The effective date of the

provisions of this act is July 1, 2008.

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