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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 ASSESSMENTS--ALTERNATIVE ASSESSMENTS--LIMITS ON ALTERNATIVES TO ENGLISH LANGUAGE READING ASSESSMENTS.--

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

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

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

6 (2) for grades three through eight, a
7 standards-based writing assessment with the writing
8 assessment scoring criteria applied to the extended response
9 writing portions of the language arts standards-based
10 assessments; and

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

14 C. The department shall involve appropriate
15 licensed school employees in the development of the
16 standards-based assessments.

17 D. Before August 5 of each year, the department
18 shall provide student scores on all standards-based
19 assessments taken during the prior school year and required
20 in Subsection B of this section to students' respective
21 school districts in order to make test score data available
22 to assist school district staff with appropriate grade-level
23 and other placement for the current school year.

24 E. All students shall participate in the academic
25 assessment program. The department shall adopt standards for

1 reasonable accommodations in academic testing for students
2 with disabilities and limited English proficiency, including
3 when and how accommodations may be applied. The legislative
4 education study committee shall review the standards prior to
5 adoption by the department.

6 F. Students who have been determined to be limited
7 English proficient may be allowed to take the standards-based
8 assessment in their primary language. A student who has
9 attended school for three consecutive years in the United
10 States shall participate in the English language reading
11 assessment unless granted a waiver by the department based on
12 criteria established by the department. An English language
13 reading assessment waiver may be granted only for a maximum
14 of two additional years and only on a case-by-case basis."

15 Section 2. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2008. _____

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