

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: CS/HB 349

49th Legislature, 1st Session, 2009

Short Title: Eliminate Certain Standardized School Tests

Sponsor(s): Representative Benjamin H. Rodefer and Others

Analyst: Pamela Herman

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**HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 349**

Bill Summary:

CS/HB 349 amends the *Assessment and Accountability Act* in the *Public School Code* to require the Public Education Department (PED) to report annually to the Legislative Education Study Committee (LESC) regarding required standardized assessments.

Among its provisions, CS/HB 349 would require PED:

- to report to the LESC by October 1 of each year a comparison of the assessments required by the statewide assessment and accountability system and rules of the department with those assessments required by the federal *No Child Left Behind Act of 2001* (NCLB) and other federal statutory or regulatory provisions; and
- to identify:
 - the statute or rule number that requires each standardized test or other state-mandated assessment;
 - standardized testing and other state-mandated assessments that are not required by NCLB;
 - standardized testing and other state-mandated assessment requirements that could be abolished with no loss of federal funds for New Mexico public schools; and
 - proposed and promulgated rules and recommend statutory changes to minimize standardized testing and other state-mandated assessments.

Fiscal Impact:

HB 349 does not make an appropriation.

Issues:

The Office of Education Accountability (OEA) of the Department of Finance and Administration states in its agency bill analysis that, since the inception of NCLB, critics have argued that increased time spent on student assessment has a negative impact on teaching and learning. OEA also points out that New Mexico has been rated as having one of the most rigorous and high-quality systems of standards, assessment and accountability, earning a grade of A- in the latest edition of "Quality Counts" published by *Education Week*. OEA says that the position that

too much time is taken away from instruction by testing is arguably valid; nevertheless, HB 349 could send the message that the state is not concerned with setting high standards, but in complying only with the minimum requirements set out in federal law.

Background:

In 2003, the LESC endorsed and the Legislature passed comprehensive school reform legislation that included the *Assessment and Accountability Act*. That act, as amended, established a system of annual standards-based assessments in core academic areas in grades 3 through 8 and grade 11 that tracks the requirements of NCLB.

In almost every legislative interim since 2003, the LESC has heard testimony regarding the design and cost of required state assessments, whether they provide teachers and leaders with information needed for instructional decision-making, and whether state-mandated assessments align with college placement tests and workplace expectations. The LESC also heard testimony about other assessment-related topics: the use of short-cycle assessments for diagnostic purposes, uses of other assessments for purposes of program evaluation, and questions about the rigor of the exam required for high school graduation.

Throughout the 2006 interim, based on presentation of evidence by OEA about the high rate of remedial course-taking on the part of recent high school graduates in New Mexico public education institutions, the LESC studied the issue of the poor preparation of many New Mexico students for college and the workplace.

In 2007, the LESC endorsed legislation that was enacted to change the existing system of high school assessments, as follows:

- to eliminate a grade 9 standards-based assessment not required by NCLB;
- to eliminate, in school year 2010-2011, the existing non-standards-based High School Competency Examination required to earn a high school diploma, covering reading, English, mathematics, writing, science, and social science, including a section on the constitutions of the United States and of New Mexico;
- to require instead, to earn a diploma, demonstration of competency on a standards-based assessment or assessments or a portfolio of standards-based indicators covering the same subjects; and
- to create a system of college and workplace readiness assessments, including (as amended in 2008):
 - in grade 9, a short-cycle diagnostic assessment in mathematics, reading, and language arts to be locally administered in the fall and at least two additional times during the year;
 - in grade 10, a short-cycle diagnostic assessment in mathematics, reading, and language arts that also serves as an early indicator of college readiness, to be locally administered at least three times during the year; and
 - in grade 11, in the fall, one or more of the following chosen by the student:
 - a college placement assessment;
 - a workplace readiness assessment; or
 - an alternative demonstration of competency using standards-based indicators.

In 2007, the Legislature also appropriated \$50,000 to the LESC so a New Mexico State Alignment Team could participate in the American Diploma Project (ADP) initiative headed by Achieve, Inc., to align state high school standards with the expectations of college and the workplace. That work concluded in 2008, and the revised state standards for mathematics and language arts are now in rule or pending final rule-making in spring 2009.

In July 2008, New Mexico was accepted as one of eight states to participate in the College and Career-Ready Policy Institute, which extends the work of the ADP to assist states to put in place an assessment and accountability system that fully reflects and supports the goal of all students graduating high school college- and career-ready.

On January 30, 2009, PED published a final rule setting forth how school districts must comply with the requirements in law for the college and workplace readiness assessment system, and the alternative assessments or portfolio of standards-based indicators permitted for high school graduation.

Related Bill:

SJM 47 Short-Cycle Educational Assessments