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HOUSE BILL 349

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Benjamin H. Rodefer

AN ACT

RELATING TO PUBLIC SCHOOLS; ELIMINATING STANDARDIZED TESTS THAT ARE NOT REQUIRED PURSUANT TO THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001.

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 by Laws 2007, Chapter 306, Section 1 and by Laws 2007, Chapter 307, Section 3 and also by Laws 2007, Chapter 308, Section 3) 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

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1 state academic content and performance standards and that
2 measures adequate yearly progress for each public school and
3 school district. Adequate yearly progress shall be determined
4 primarily by student academic achievement, as demonstrated by
5 statewide standards-based assessments; however, the department
6 may include other indicators of adequate yearly progress,
7 including graduation rates for high schools and attendance for
8 elementary and middle schools.

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

11 (1) for grades three through eight and for
12 grade eleven, standards-based assessments in mathematics,
13 reading and language arts [~~and social studies;~~

14 ~~(2) for grades three through eight, a~~
15 ~~standards-based writing assessment with the writing assessment~~
16 ~~scoring criteria applied to the extended response writing~~
17 ~~portions of the language arts standards-based assessments]; and~~

18 [~~(3)~~] (2) for one of grades three through five
19 and six through eight and for grade eleven, standards-based
20 assessments in science by the 2007-2008 school year.

21 C. The department shall involve appropriate
22 licensed school employees in the development of the standards-
23 based assessments.

24 D. Before August 5 of each year, the department
25 shall provide student scores on all standards-based assessments

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1 taken during the prior school year and required in Subsection B
2 of this section to students' respective school districts in
3 order to make test score data available to assist school
4 district staff with appropriate grade-level and other placement
5 for the current school year.

6 E. All students shall participate in the academic
7 assessment program. The department shall adopt standards for
8 reasonable accommodations in academic testing for students with
9 disabilities and limited English proficiency, including when
10 and how accommodations may be applied. The legislative
11 education study committee shall review the standards prior to
12 adoption by the department.

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

22 Section 2. Section 22-13-1.1 NMSA 1978 (being Laws 1986,
23 Chapter 33, Section 5, as amended) is amended to read:

24 "22-13-1.1. GRADUATION REQUIREMENTS.--

25 A. At the end of grades eight through eleven, each

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1 student shall prepare an interim next-step plan that sets forth
2 the coursework for the grades remaining until high school
3 graduation. Each year's plan shall explain any differences
4 from previous interim next-step plans, shall be filed with the
5 principal of the student's high school and shall be signed by
6 the student, the student's parent and the student's guidance
7 counselor or other school official charged with coursework
8 planning for the student.

9 B. Each student must complete a final next-step
10 plan during the senior year and prior to graduation. The plan
11 shall be filed with the principal of the student's high school
12 and shall be signed by the student, the student's parent and
13 the student's guidance counselor or other school official
14 charged with coursework planning for the student.

15 C. An individualized education program that meets
16 the requirements of Subsections A and B of this section and
17 that meets all applicable transition and procedural
18 requirements of the federal Individuals with Disabilities
19 Education Act for a student with a disability shall satisfy the
20 next-step plan requirements of this section for that student.

21 D. A local school board shall ensure that each high
22 school student has the opportunity to develop a next-step plan
23 based on reports of college and workplace readiness
24 assessments, as available, and other factors and is reasonably
25 informed about:

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1 (1) curricular and course options, including
2 honors or advanced placement courses, dual-credit courses,
3 distance learning courses, career clusters or remediation
4 programs that the college and workplace readiness assessments
5 indicate to be appropriate;

6 (2) opportunities available that lead to
7 different post-high-school options; and

8 (3) alternative opportunities available if the
9 student does not finish a planned curriculum.

10 E. The secretary shall:

11 (1) establish specific accountability
12 standards for administrators, counselors, teachers and school
13 district staff to ensure that every student has the opportunity
14 to develop a next-step plan;

15 (2) promulgate rules for accredited private
16 schools in order to ensure substantial compliance with the
17 provisions of this section;

18 (3) monitor compliance with the requirements
19 of this section; and

20 (4) compile such information as is necessary
21 to evaluate the success of next-step plans and report annually,
22 by December 15, to the legislative education study committee
23 and the governor.

24 F. Successful completion of a minimum of
25 twenty-three units aligned to the state academic content and

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1 performance standards shall be required for graduation. These
2 units shall be as follows:

3 (1) four units in English, with major emphasis
4 on grammar and literature;

5 (2) three units in mathematics, at least one
6 of which is equivalent to the algebra 1 level or higher;

7 (3) two units in science, one of which shall
8 have a laboratory component; provided, however, that with
9 students entering the ninth grade beginning in the 2005-2006
10 school year, three units in science shall be required, one of
11 which shall have a laboratory component;

12 (4) three units in social science, which shall
13 include United States history and geography, world history and
14 geography and government and economics;

15 (5) one unit in physical education;

16 (6) one unit in communication skills or
17 business education, with a major emphasis on writing and
18 speaking and that may include a language other than English;

19 (7) one-half unit in New Mexico history for
20 students entering the ninth grade beginning in the 2005-2006
21 school year; and

22 (8) nine elective units and seven and
23 one-half elective units for students entering the ninth grade
24 in the 2005-2006 school year that meet department content and
25 performance standards. Student service learning shall be

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1 offered as an elective. Financial literacy shall be offered as
2 an elective.

3 G. For students entering the ninth grade beginning
4 in the 2009-2010 school year, at least one of the units
5 required for graduation shall be earned as an advanced
6 placement or honors course, a dual-credit course offered in
7 cooperation with an institution of higher education or a
8 distance learning course.

9 H. The department shall establish a procedure for
10 students to be awarded credit through completion of specified
11 career technical education courses for certain graduation
12 requirements.

13 I. Successful completion of the requirements of the
14 New Mexico diploma of excellence shall be required for
15 graduation for students entering the ninth grade beginning in
16 the 2009-2010 school year. Successful completion of a minimum
17 of twenty-four units aligned to the state academic content and
18 performance standards shall be required to earn a New Mexico
19 diploma of excellence. These units shall be as follows:

20 (1) four units in English, with major emphasis
21 on grammar, nonfiction writing and literature;

22 (2) four units in mathematics, of which one
23 shall be the equivalent to or higher than the level of algebra
24 2, unless the parent submitted written, signed permission for
25 the student to complete a lesser mathematics unit;

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1 (3) three units in science, two of which shall
2 have a laboratory component;

3 (4) three and one-half units in social
4 science, which shall include United States history and
5 geography, world history and geography and government and
6 economics, and one-half unit of New Mexico history;

7 (5) one unit in physical education;

8 (6) one unit in one of the following:
9 a career cluster course, workplace readiness or a language
10 other than English; and

11 (7) seven and one-half elective units that
12 meet department content and performance standards. Student
13 service learning shall be offered as an elective. Financial
14 literacy shall be offered as an elective.

15 J. Final examinations shall be administered to all
16 students in all classes offered for credit.

17 K. Until July 1, [~~2010~~] 2009, a student who has not
18 passed a state graduation examination in the subject areas of
19 reading, English, mathematics, writing, science and social
20 science shall not receive a high school diploma. The state
21 graduation examination on social science shall include a
22 section on the constitution of the United States and the
23 constitution of New Mexico. If a student exits from the school
24 system at the end of grade twelve without having passed a state
25 graduation examination, the student shall receive an

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1 appropriate state certificate indicating the number of credits
2 earned and the grade completed. If within five years after a
3 student exits from the school system the student takes and
4 passes the state graduation examination, the student may
5 receive a high school diploma.

6 L. Beginning with the ~~[2010-2011]~~ 2009-2010 school
7 year, a student shall not receive a New Mexico diploma of
8 excellence if the student has not demonstrated competence in
9 the subject areas of mathematics, reading and language arts
10 ~~[writing, social studies]~~ and science ~~[including a section on~~
11 ~~the constitution of the United States and the constitution of~~
12 ~~New Mexico, based on a standards-based assessment or~~
13 ~~assessments or a portfolio of standards-based indicators~~
14 ~~established by the department by rule]~~ based on the standards-
15 based assessments required in Section 22-2C-4 NMSA 1978 ~~[may~~
16 ~~also serve as the assessment required for high school~~
17 ~~graduation]~~. If a student exits from the school system at the
18 end of grade twelve without having satisfied the requirements
19 of this subsection, the student shall receive an appropriate
20 state certificate indicating the number of credits earned and
21 the grade completed. If within five years after a student
22 exits from the school system the student satisfies the
23 requirement of this subsection, the student may receive a New
24 Mexico diploma of excellence.

25 M. As used in this section:

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1 (1) "final next-step plan" means a next-step
2 plan that shows that the student has committed or intends to
3 commit in the near future to a four-year college or university,
4 a two-year college, a trade or vocational program, an
5 internship or apprenticeship, military service or a job;

6 (2) "interim next-step plan" means an annual
7 next-step plan in which the student specifies post-high-school
8 goals and sets forth the coursework that will allow the student
9 to achieve those goals; and

10 (3) "next-step plan" means an annual personal
11 written plan of studies developed by a student in a public
12 school or other state-supported school or institution in
13 consultation with the student's parent and school counselor or
14 other school official charged with coursework planning for the
15 student that includes one or more of the following:

16 (a) advanced placement or honors
17 courses;

18 (b) dual-credit courses offered in
19 cooperation with an institution of higher education; and

20 (c) distance learning courses.

21 N. The secretary may establish a policy to provide
22 for administrative interpretations to clarify curricular and
23 testing provisions of the Public School Code."

24 Section 3. REPEAL.--Section 22-2C-4.1 NMSA 1978 (being
25 Laws 2007, Chapter 307, Section 4 and also Laws 2007, Chapter

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308, Section 4, as amended) is repealed.

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