

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 349

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

AN ACT

RELATING TO PUBLIC SCHOOLS; IDENTIFYING 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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underscored material = new
[bracketed material] = delete

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) for one of grades three through five and
19 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 G. The department shall:

23 (1) report to the legislative education study
24 committee by October 1 of each year a comparison of the
25 assessments required pursuant to the statewide assessment and

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1 accountability system and rules of the department with those
2 assessments required by the federal No Child Left Behind Act
3 and other statutory or regulatory provisions of the federal
4 government;

5 (2) identify the statute or rule number that
6 requires each of the standardized tests or other state-mandated
7 assessments;

8 (3) specifically identify standardized testing
9 and other state-mandated assessments that are not required by
10 the No Child Left Behind Act;

11 (4) identify standardized testing and other
12 state-mandated assessment requirements that could be abolished
13 with no loss of federal funds for New Mexico public schools;
14 and

15 (5) identify proposed and promulgated rules
16 and recommend statutory changes to minimize standardized
17 testing and other state-mandated assessments."