

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 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.

B. The academic assessment program for adequate

yearly progress shall test student achievement as follows:

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

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

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

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

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

E. All students shall participate in the academic assessment program. The department shall adopt standards for reasonable accommodations in academic testing for students with disabilities and limited English proficiency, including

when and how accommodations may be applied. The legislative education study committee shall review the standards prior to adoption by the department.

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

G. The department shall:

(1) report to the legislative education study committee by October 1 of each year a comparison of the assessments required pursuant to the statewide assessment and accountability system and rules of the department with those assessments required by the federal No Child Left Behind Act and other statutory or regulatory provisions of the federal government;

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

(3) specifically identify standardized testing and other state-mandated assessments that are not

required by the No Child Left Behind Act;

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

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