

**STATE OF NEW MEXICO**  
**LEGISLATIVE EDUCATION STUDY COMMITTEE**

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May 25, 2011

**MEMORANDUM**

**TO:** Legislative Education Study Committee

**FR:** Pamela Herman, J.D.

**RE: STUDENT ASSESSMENT REQUIREMENTS SUSPENSION (SB 360, LAWS 2011, CHAPTER 161)**

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As one of several cost-saving measures endorsed by the Legislative Education Study Committee (LESC) for consideration by the 2011 Legislature, SB 360, *Student Assessment Requirements Suspension* (Laws 2011, Chapter 161, Attachment 1) was enacted and resulted in an estimated \$3.5 million savings in the FY 12 appropriation to the State Equalization Guarantee (SEG). The measure temporarily suspends, for one year, the requirement that local school districts administer certain student assessments mandated by state but not federal law.

Among its cost-saving provisions, the legislation provides that:

- for school year 2011-2012, the Public Education Department (PED), school districts, charter schools and state educational institutions shall not be required to administer the following student assessments:
  - in grade 11, a standards-based assessment in social studies;
  - in grades 4, 6, 7, and 11, a standards-based writing assessment;
  - in grades 9 and 10, short-cycle diagnostic assessments in reading, language arts, and mathematics; and
  - in grade 11, a college placement assessment or a work force readiness assessment.

- in school year 2011-2012, a student who has completed the course requirements for high school graduation may graduate without demonstrating competence in required subject areas on the standards-based assessment or assessments or a portfolio of standards-based indicators as established by PED rule.

## **Issue**

Although the language of the new law excuses students scheduled to graduate in spring 2012 from the high school graduation test requirement, it does not do so for the class of 2013. That cohort is still legally required to pass the test, although the law now excuses schools from administering the social studies and writing portions of the test, passage of which is required for graduation.

## **Background**

The costs associated with standards-based assessments are met in two ways:

- from federal grants and nonrecurring legislative appropriations to PED for one-time costs of test development; and
- from recurring appropriations to the SEG for the annual cost of test administration incurred by school districts, charter schools and state educational institutions.

In the 2009 interim, the LESC heard testimony regarding the implementation of assessment requirements required in law. At that time, PED was finalizing a new multi-year contract for state standards-based assessments. Testimony at that time indicated that PED anticipated that under the new contract, statewide school district costs of test administration (for printing, distribution, scoring, and reporting) in FY 10 would rise to approximately \$12.3 million, approximately \$3.5 million more than districts would have available from the SEG (see Attachment 2).

To address the forecast shortfalls in district funding in the SEG for assessments, PED took the following steps:

- For school year 2009-2010, PED correspondence to school districts, charter schools and state educational institutions announced the cancellation of scheduled fall college and work force readiness assessments mandated in 2007 statute.
- In February 2010, the Secretary of Public Education issued a memorandum to superintendents, charter school administrators and state educational institution administrators offering the opportunity to request an exemption from the requirement to administer certain assessments, many of which are required in state statute, in order to reduce assessment costs.
- PED indicated to LESC staff during school year 2010-2011 that, in the future, it would seek temporary statutory authority from the Legislature if the need continued to issue further exemptions from assessment mandates.

- In the 2010 interim, PED provided testimony to the LESC indicating that substituting an augmented version of the 11<sup>th</sup> grade state standards-based assessment for the previous high school graduation test, as provided in 2007 and 2008 high school redesign legislation, would result in increased unfunded school district costs of \$1.0 million or more, based on the estimated number of students who might not pass all sections of the exam on the first attempt, and a per-retest cost of \$78.48.
- On December 10, 2010, PED convened a Student Assessment Priorities 2011-2013 stakeholder meeting to review assessments required in law to recommend to the department which mandatory tests should be administered and which ones suspended; how to prioritize assessment funds, and what legislation was necessary to authorize assessment changes.

Based on a presentation to the LESC regarding the recommendations of the stakeholders and the FY 12 public school support recommendations of PED prior to the 2011 session, the committee voted to endorse SB 360.



The Legislature  
of the  
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 161

SENATE BILL 360, as amended

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Introduced by  
SENATOR CYNTHIA NAVA



FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

# Chapter 161

1 AN ACT

2 RELATING TO FINANCIAL SOLVENCY; SUSPENDING THE REQUIREMENTS  
3 FOR CERTAIN STUDENT ASSESSMENTS FOR THE 2011-2012 SCHOOL  
4 YEAR.

5  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 SECTION 1. TEMPORARY PROVISION--PUBLIC SCHOOLS  
8 FINANCIAL SOLVENCY--SUSPENDING CERTAIN REQUIRED STUDENT  
9 ASSESSMENTS FOR ONE SCHOOL YEAR.--

10 A. The legislature finds that the financial crisis  
11 of calendar years 2008-2010 will continue into fiscal year  
12 2012, and, to balance the state budget, the legislature must  
13 reduce general appropriations for state government, higher  
14 education and public schools by several hundred million  
15 dollars. The purpose of this section is to temporarily  
16 suspend the requirement that local school districts  
17 administer certain student assessments.

18 B. For school year 2011-2012, the public education  
19 department and school districts, charter schools and state  
20 educational institutions shall not be required to administer  
21 the following student assessments:

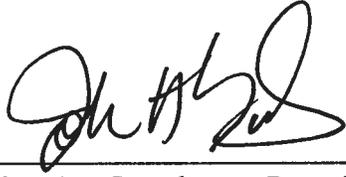
22 (1) the provisions of Section 22-2C-4 NMSA  
23 1978 notwithstanding, in grade eleven, a standards-based  
24 assessment in social studies; and for grades four, six, seven  
25 and eleven, a standards-based writing assessment; and

1                   (2) the provisions of Section 22-2C-4.1 NMSA  
2 1978 notwithstanding, in grades nine and ten, short-cycle  
3 diagnostic assessments in reading, language arts and  
4 mathematics and, in grade eleven, a college placement  
5 assessment or a workforce readiness assessment.

6                   C. The provisions of Section 22-13-1.1 NMSA 1978  
7 notwithstanding, a student who has completed the course  
8 requirements for high school graduation in the 2011-2012  
9 school year may graduate without demonstrating competence in  
10 required subject areas on the standards-based assessment or  
11 assessments or a portfolio of standards-based indicators  
12 established by the public education department by rule.

13                   D. During school year 2011-2012, public schools,  
14 charter schools and state educational institutions shall use  
15 an appropriate assessment for grades nine and ten to comply  
16 with the federal Individuals with Disabilities Education  
17 Act. \_\_\_\_\_

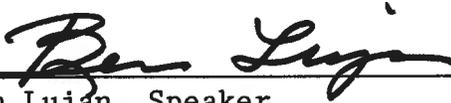
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John A. Sanchez, President  
Senate



Lenore M. Naranjo, Chief Clerk  
Senate

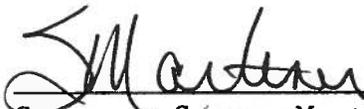


Ben Lujan, Speaker  
House of Representatives



Stephen R. Arias, Chief Clerk  
House of Representatives

Approved by me this 24th day of April, 2011



Governor Susana Martinez  
State of New Mexico

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## 2011-12 NEW MEXICO ASSESSMENTS

Assessments/Proposed Eliminations	Costs for SY 2011-12 Assessment Requirements	Proposed Eliminations/ Reductions in Cost	Proposed SY 2011-12 Total Costs
	District SEG	District SEG	District SEG
SBA Reading, Math and Writing in grades 3-8			
SBA Science in grades 4, 7, 11			
SBA Social Studies in grade 11	\$6,260.6		
Proposed elimination of SBA Writing in grades 4, 6, 7 & 11			
Proposed elimination of SBA Social Studies in grade 11		-\$1,148.6	\$5,112.0
High School Graduation Assessment in grade 11 with retests (high stakes)	\$3,576.5		
Proposed elimination of retests for grade 11 High School Graduation Assessment		-\$1,100.0	\$2,476.5
High School Competency	\$296.9		\$296.9
College Placement Assessment	\$454.3		
Proposed elimination of College Placement Assessment		-\$454.3	
Workforce Readiness Assessment	\$238.9		
Proposed elimination of Workforce Readiness Assessment		-\$238.9	
Short Cycle Assessments in grades 9-10	\$514.6		
Proposed elimination of Short Cycle Assessments in grades 9-10		-\$514.6	
NM Alternate Performance Assessment	\$191.4		
Proposed elimination of Social Studies in the NM Alternate Performance Assessment		-\$7.1	\$184.3
Access for ELL students	\$787.3		\$787.3
WIDA Placement Test for ELL students (no direct costs due to consortium membership of NM)			
DIBELS	\$87.5		\$87.5
<b>Totals</b>	<b>\$12,408.0</b>	<b>-\$3,463.5</b>	<b>\$8,944.5</b>

SOURCE: Public Education Department