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SENATE BILL 501

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Vernon D. Asbill

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO PAY THE COSTS FOR MANDATORY ASSESSMENTS.

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) is amended to read:

"22-2C-4. STATEWIDE ASSESSMENT AND ACCOUNTABILITY SYSTEM--INDICATORS--REQUIRED TESTS--ALTERNATIVE TESTS--LIMITS ON ALTERNATIVES TO ENGLISH LANGUAGE READING TEST.--

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 student, public school and school district. Adequate yearly progress shall be determined primarily by student academic achievement, as

1 demonstrated by statewide standards-based academic performance
2 tests; however, the department may include other indicators of
3 adequate yearly progress, including graduation rates for high
4 schools and attendance for elementary and middle schools.

5 B. The academic assessment program for adequate
6 yearly progress shall test student achievement as follows by
7 the school year indicated:

8 (1) for grades three through nine and for
9 grade eleven, standards-based academic performance tests in
10 mathematics, reading and language arts and social studies by
11 the 2005-2006 school year; provided that testing in ninth grade
12 and testing in social studies shall not occur until the
13 legislature has provided funding for test development and
14 implementation;

15 (2) for grades three through nine, standards-
16 based academic performance writing assessment with the writing
17 assessment scoring criteria applied to the extended response
18 writing portions of the language arts criterion-referenced
19 tests by the 2005-2006 school year; and

20 (3) for one of grades three through five and
21 six through nine and for grade eleven, standards-based academic
22 performance tests in science by the 2007-2008 school year.

23 C. The department shall involve appropriate
24 licensed school employees in the development of the standards-
25 based academic performance tests.

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1 D. All students shall participate in the academic
2 assessment program. The department shall adopt standards for
3 reasonable accommodations in academic testing for students with
4 disabilities and limited English proficiency, including when
5 and how accommodations may be applied. The legislative
6 education study committee shall review the standards prior to
7 adoption by the department.

8 E. Students who have been determined to be limited
9 English proficient may be allowed to take the standards-based
10 academic performance test in their primary language. A student
11 who has attended school for three consecutive years in the
12 United States shall participate in the English language reading
13 test unless granted a waiver by the department based on
14 criteria established by the department. An English language
15 reading test waiver may be granted only for a maximum of two
16 additional years and only on a case-by-case basis.

17 F. The department shall pay the costs of required
18 academic assessments, including development, administration and
19 technical support."