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AN ACT

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

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 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

1 grade eleven, standards-based assessments in mathematics,  
2 reading and language arts and social studies;

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

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

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

14 D. All students shall participate in the academic  
15 assessment program. The department shall adopt standards for  
16 reasonable accommodations in academic testing for students  
17 with disabilities and limited English proficiency, including  
18 when and how accommodations may be applied. The legislative  
19 education study committee shall review the standards prior to  
20 adoption by the department.

21 E. Students who have been determined to be limited  
22 English proficient may be allowed to take the standards-based  
23 assessment in their primary language. A student who has  
24 attended school for three consecutive years in the United  
25 States shall participate in the English language reading

1 assessment unless granted a waiver by the department based on  
2 criteria established by the department. An English language  
3 reading assessment waiver may be granted only for a maximum  
4 of two additional years and only on a case-by-case basis.

5 F. The department shall pay the costs of required  
6 academic assessments, including development, administration  
7 and technical support.

8 G. Prior to establishing a preliminary unit value  
9 to establish school district and charter school budgets for  
10 the subsequent fiscal year, the department shall determine  
11 the amount of the state equalization guarantee distribution  
12 required to pay the district- and school-level costs of  
13 required academic assessments. Upon verification by the  
14 department of finance and administration and review by the  
15 legislative education study committee and the legislative  
16 finance committee, the required amount shall be transferred  
17 to the operating budget of the department. The provisions of  
18 this subsection are effective until July 1, 2010."

19 Section 2. EMERGENCY.--It is necessary for the public  
20 peace, health and safety that this act take effect  
21 immediately.

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