

1 SENATE JOINT MEMORIAL 47

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE SECRETARY OF PUBLIC EDUCATION TO WORK WITH THE
12 UNITED STATES DEPARTMENT OF EDUCATION TO SUSPEND FEDERALLY
13 MANDATED ASSESSMENTS AND REPLACE THEM WITH SHORT-CYCLE
14 FORMATIVE ASSESSMENTS TO MEET NO CHILD LEFT BEHIND
15 REQUIREMENTS.

16
17 WHEREAS, the people of New Mexico share a vision of a
18 world-class education system that prepares our children for
19 success in the twenty-first century; and

20 WHEREAS, the legislature has laid the essential groundwork
21 for enhanced educational opportunities for all New Mexico
22 students, and the state's public schools have made progress in
23 reducing the achievement gap; and

24 WHEREAS, according to the following national sources, New
25 Mexico ranks highly in several important indicators of a

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1 comprehensive educational system, including:

2 A. the Fordham foundation, which ranked New Mexico
3 second in the nation in 2006 for education reform;

4 B. *Education Week*, which ranked New Mexico first in
5 the nation for eligible children enrolled in kindergarten
6 programs in 2008;

7 C. the national education association, which ranked
8 New Mexico third in the nation for percentage increase in
9 average teacher salaries for 2007-2008;

10 D. the center for digital education, which ranked
11 New Mexico sixth in the nation for on-line learning policies
12 and practices; and

13 E. the food research and action center, which
14 ranked New Mexico first in the nation for school breakfast
15 participation among students who received free and
16 reduced-price lunches in 2007-2008; and

17 WHEREAS, New Mexico is the first state in the country
18 formally to adopt a textbook for teaching the Navajo language;
19 and

20 WHEREAS, New Mexico is one of four states leading the
21 nation in innovative school improvement strategies; is one of
22 only nine states with an approved highly qualified teacher
23 plan; and is one of only eleven states to have standards-based
24 assessments aligned to strong content standards; and

25 WHEREAS, the educational community asserts that

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1 assessments alone will not reform education in New Mexico, but
2 that schools must be accountable for performance, instruction
3 and overall improvement; and

4 WHEREAS, scientific research supports the use of formative
5 short-cycle assessments to inform instruction for students, and
6 the public education department supports the use of these
7 assessments to address the differentiated learning needs of our
8 diverse student population; and

9 WHEREAS, seventy-four of New Mexico's eighty-nine school
10 districts currently use short-cycle assessments; and

11 WHEREAS, the federal government appropriates only four
12 million dollars (\$4,000,000) each year to administer the
13 federally required No Child Left Behind Act of 2001 assessment;
14 however, the assessment costs the state more than nine million
15 dollars (\$9,000,000) a year and costs school districts an
16 additional five million dollars (\$5,000,000) to administer the
17 tests; and

18 WHEREAS, for fiscal year 2010, the state faces a budget
19 deficit of between two hundred ninety-three million dollars
20 (\$293,000,000) and five hundred fifty million dollars
21 (\$550,000,000) and an additional three and eight-tenths percent
22 projected revenue shortfall for fiscal year 2011; and

23 WHEREAS, the budget crisis may force the legislature to
24 increase class sizes, reduce salary and benefits of school
25 employees, reduce instructional time and decrease professional

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1 development funding in the 2009-2010 and 2010-2011 school
2 years; and

3 WHEREAS, these measures strike at the heart of education
4 reform in New Mexico and will negate years of work by the
5 legislature, the public education department and the school
6 districts to improve the New Mexico education system, all the
7 while having to set aside fifteen million dollars (\$15,000,000)
8 for federally required testing that provides little information
9 to teachers in addressing the differentiated learning needs of
10 their students on a continual basis;

11 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
12 STATE OF NEW MEXICO that the secretary of public education, in
13 collaboration with the United States department of education,
14 amend the state accountability plan and suspend the federally
15 mandated No Child Left Behind Act 2001 annual assessment for
16 the 2009-2010 school year; and

17 BE IT FURTHER RESOLVED that the secretary of public
18 education allow school districts to use a short-cycle formative
19 assessment already approved by the public education department
20 in lieu of the New Mexico standards-based assessment; and

21 BE IT FURTHER RESOLVED that copies of this memorial be
22 transmitted to the secretary of public education,
23 superintendents of public schools and charter schools.