

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 75

49th Legislature, 2nd Session, 2010

Tracking Number: .180828.1

Short Title: Suspend Certain School Assessments

Sponsor(s): Senator Stephen H. Fischmann and Others

Analyst: Pamela Herman

Date: February 2, 2010

Bill Summary:

Among its provisions, SB 75:

- makes a legislative finding that the current fiscal crisis requires extraordinary measures to ensure fiscal solvency for fiscal years 2011 and 2012;
- permits school districts to suspend the administration of all state-required assessments not mandated by the federal *No Child Left Behind Act of 2001* (NCLB), except short-cycle assessments; and
- requires that short-cycle diagnostic assessments mandated by state statute in the College and Workplace Readiness Assessment System continue, but that the number of assessments administered in a school year may be determined by the school district.

Fiscal Impact:

According to the Public Education Department (PED) bill analysis, if SB 75 were to pass, savings could accrue both to school districts and possibly to the department. However, because the number of school districts that might choose to suspend some assessments covered by the bill is unknown, an exact dollar savings from SB 75 is difficult to estimate.

The PED states that, for FY 11:

- the maximum possible savings to districts in FY 11 from passage of SB 75 would be approximately \$2.0 million; and
- the maximum possible annual savings to PED would be approximately \$1.0 million; however, if even one school district opts to administer the assessments covered by SB 75, PED would see no cost savings.

Fiscal Issues:

The cost of assessments is born both by PED and by school districts. The PED pays for one-time costs of developing and validating assessments; and districts pay the recurring costs of administering and grading assessments and reporting results. School districts pay those costs from the operational funds they receive through the State Equalization Guarantee.

In its bill analysis for SB 75, PED notes that:

- in fall 2009, school districts reported insufficient funds to administer 11th grade College and Workforce Readiness Assessments, which were then suspended by the department until funds became available. PED states it is committed to paying for the assessments with grant monies if its application for a federal Race to the Top grant is successful;
- because school districts are not fully funded for assessment costs in FY 10, and the *General Appropriation Act of 2010* does not appropriate new funds to the SEG for that purpose, of a potential maximum \$2.8 million savings to school districts from passage of SB 75, only the \$2.0 million noted in the Fiscal Impact section, above, could be realized;
- although SB 75 permits districts to administer short-cycle assessments in grades 9 and 10 fewer than three times per year, vendors provide the assessments at a fixed yearly cost per student, so reducing the number of administrations does not reduce costs;
- because test vendors must develop items and tests and offer them to the most inclusive program statewide, they cannot offer a cost-effective menu of testing options to school districts—if fewer students are tested, the cost per student will rise;
- because federal law does not allow use of federal funds for high school graduation tests, short-cycle assessments, or content areas not required in NCLB, removal of state funding for these tests would, in effect, remove the tests from the state testing system; and
- although there may be immediate cost savings when certain tests are eliminated, those savings would be partially offset by a total two-year cost to PED of \$650,000 (\$400,000 in FY 12 and \$250,000 in FY 13) to restart customized testing at a later date.

Substantive Issues:

Assessments Affected by SB 75

SB 130 permits, but does not require, public school districts to suspend for three school years (2009-2010 through 2011-2012) all state-mandated assessments that are not federally required. According to the PED bill analysis and PED staff, the assessments that may be omitted include:

- standards-based writing assessments in grades 3-8;
- Spanish-language standards-based assessments in all content areas in grades 3-8 and 11, administered to English-language learners;
- all high school graduation assessments. Because the state high school graduation exam is in a transitional year, the affected assessments are:
 - retakes of the state High School Competency Exam by students who did not pass all sections as sophomores in 2008-2009 or earlier, and who by law have five years to take and pass all sections to earn a diploma;
 - writing and social studies sections of the 11th grade standards-based assessment, required by state law if that assessment is to be used as the graduation test as planned for students who will graduate in school year 2011-2012; and

- alternative demonstrations of competency, also required by state law as an option for graduation for some students scheduled to graduate in school year 2011-2012;
- 11th grade College Readiness Assessments (ACT) and Workforce Readiness Assessments (WorkKeys), first scheduled to have been administered in fall 2009 to all 11th grade students at district expense but suspended by PED for 2009-2010 as noted above; and
- second and/or third administrations of the short-cycle assessments required in grades 9 and 10 as part of the College and Workplace Readiness Assessment System.

Other state-required assessments not mentioned in the PED bill analysis that would also be affected by SB 75 include:

- standards-based assessments in science at four grade levels—twice in grades 3-5 and twice in grades 6-8; and
- assessments required for evaluation of early childhood programs, in statute, rule or PED contracts:
 - in full-day kindergarten, age-appropriate literacy-specific screening assessment measures administered twice annually;
 - in K-3 Plus programs, the Dynamic Indicators of Basic Early Literacy Skills (DIBELS); and
 - in the New Mexico PreK program, selected indicators of learning outcomes required by PED for program evaluation purposes.

Assessment Requirements in New Mexico

Assessments are required in both state and federal law for three main purposes: (1) to hold schools accountable for how well their students are learning; (2) to diagnose student academic progress; and (3) to hold students accountable for acquiring the skills and knowledge expected for high school graduation.

- Federally required assessments: The federal NCLB requires states to maintain a uniform system of standards-based assessments for all schools for accountability purposes in reading and math in grades 3-8 and one high school grade; and in science in one grade in each of three grade spans. The percentage of students in each school, and in major demographic subgroups in each school, who score proficient or above on these tests, is the main determinant of whether a school, or a district, makes “adequate yearly progress” or is subject to certain sanctions. The system includes alternative assessments for students with the most profound cognitive impairments and English-language placement and proficiency assessments for students who are English-language learners.
- State required assessments: State law establishes a similar but not identical system of assessments for school accountability (see Attachment).
- District required assessments: Many public school districts require that short-cycle or curricular assessments be administered a regular intervals at some or all grade levels to help teachers individualize instruction.

- State College and Workplace Readiness Assessment System: In 2007, in response to reports that half of all recent public school graduates enrolled in public postsecondary programs were required to take remedial coursework, as well as input from employers about the low level of basic skills of school graduates in entry-level positions, the Legislature established a system of College and Workplace Readiness Assessments in grades 9-11. Implementation of the system began in school year 2008-2009 and was scheduled to continue in school year 2009-2010. However, as noted above, the 11th grade assessments were suspended by PED in 2010 due to school district financial constraints.
- High school graduation exams: Since 1986, high school students have been required to demonstrate competence in certain subject areas on a state graduation test in order to receive a high school diploma. In 2007 and 2008, an LESC-endorsed measure was enacted to change the existing high school competency exam to a standards-based measure; and, as permitted in statute, PED indicated that it would use the 11th grade standards-based assessment also used for accountability, using one test for two purposes.
- Other assessments: In addition, certain assessments are required in state law or PED rule, for diagnostic and evaluation purposes, for some early childhood education programs such as full-day kindergarten, K-3 Plus, and New Mexico PreK.

Technical Issues:

If the Legislature intends to include the science assessments among those that school districts may opt not to administer, it may wish to specify in which of grades 3-5 and 6-8 those assessments should be administered as required by federal law, to ensure statewide uniformity.

Related Bills:

SB 130 *Suspend Certain School Assessments* (identical)
 HB 67 *Extend Educational Testing Contract Lengths*
 HB 72 *Suspend Certain School Assessments* (identical)
 HB 160 *Unnecessary Standardized School Tests*

ATTACHMENT

Assessments Requirements in New Mexico

Subject	Federal requirement	State requirement	PED requirement
<i>Standards-based Assessments Required for School Accountability</i>			
Reading/Language Arts	Grades 3-8, and once in high school	Grades 3-8 and 11	Grades 3-8 and 11
		Required for graduation	Required for graduation
Math	Grades 3-8 and once in high school	Grades 3-8 and 11	Grades 3-8 and 11
		Required for graduation	Required for graduation
Science	Once in grades 3-5, grades 6-8, and high school	Once in grades 3-5, grades 6-8 and grade 11	Grades 3-8 and 11
		Required for graduation	Required for graduation
Social Studies		Once in grades 3-5, grades 6-8 and grade 11	Grade 11
		Required for graduation	Required for graduation
Writing		Grades 3-8	Grades 3-8 and 11
		Required for graduation	Required for graduation
<i>College and Workplace Readiness Assessments</i>			
Short-cycle diagnostic assessments in Reading, Language Arts, and Math		Grades 9 and 10 3 times annually	Grades 9 and 10 3 times annually
<i>Early Childhood Program Diagnostic Assessments</i>			
Age-appropriate placement assessment		Full-day kindergarten	Age-appropriate literacy-specific screening assessment measures twice annually
Dynamic Indicators of Basic Early Literacy Skills (DIBELS)	Was required for Reading First programs	K-3 Plus programs	Same
Selected indicators of learning outcomes			New Mexico PreK program standards

SOURCE: LESC