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HOUSE JOINT MEMORIAL 2

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2011

INTRODUCED BY

Ray Begaye

A JOINT MEMORIAL

REQUESTING THE ESTABLISHMENT OF A WORK GROUP OF EXPERTS TO MAKE DETERMINATIONS AND RECOMMENDATIONS REGARDING ASSESSMENT AND EVALUATION ISSUES RELATED TO THIRD GRADE RETENTION FOR ALL STUDENTS, INCLUDING THOSE STUDENTS FOR WHOM ENGLISH MAY NOT BE THE ONLY LANGUAGE SPOKEN IN THE HOUSEHOLD AND FOR WHOM ORAL LANGUAGE MAY BE A STRONGER TRADITION THAN WRITTEN LANGUAGE.

WHEREAS, one of the tenets of standards-based education in the United States is that every student should have a quality education; and

WHEREAS, according to the national council of teachers of mathematics, a quality education helps a student gain a deep understanding of and an ability to use important concepts and facts and to develop skills and habits of mind; and

WHEREAS, New Mexico is a culturally diverse state that

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1 includes sizeable populations of Hispanics and Native Americans
2 and smaller populations of other minorities for whom English
3 may not be the only language spoken in the household and for
4 whom oral language may be a stronger tradition than written
5 language; and

6 WHEREAS, research shows that students for whom English may
7 not be the only language spoken in the household and for whom
8 oral language may be a stronger tradition than written language
9 may demonstrate lower academic achievement as measured by the
10 state standards-based assessment; and

11 WHEREAS, the proposed mandatory retention of all students
12 in the third grade who are not reading at the third grade
13 level, without consideration of the student's cultural and
14 language background, may have an impact on the retained
15 student's self-perception as being capable of learning or not
16 being capable of learning; and

17 WHEREAS, the state standards-based assessment may not
18 provide an accurate measure of academic proficiency and may be
19 an unreliable predictor of future educational achievement among
20 students for whom English may not be the only language spoken
21 in the household and for whom oral language may be a stronger
22 tradition than written language; and

23 WHEREAS, educational practices, assessments and programs
24 that are deemed to be effective for the population for whom
25 English is the only language spoken in the extended family may

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1 not raise literacy, academic achievement and high school
2 graduation rates in this state, given the sizeable populations
3 of students for whom English may not be the only language
4 spoken in the household and for whom oral language may be a
5 stronger tradition than written language;

6 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
7 STATE OF NEW MEXICO that the legislative education study
8 committee, in cooperation with the legislative finance
9 committee, the public education department and the higher
10 education department, be requested to appoint a work group of
11 educational experts with significant experience working in the
12 region and demonstrated success in their respective fields,
13 which shall include, at a minimum, an expert in language arts,
14 an expert in mathematics, an expert in science, an expert in
15 social studies or history, an expert in psychology, an expert
16 in elementary school education with at least ten years of in-
17 classroom teaching experience and an expert in special
18 education, in addition to a member of the legislative education
19 study committee; and

20 BE IT FURTHER RESOLVED that the work group determine and
21 recommend the specific content standards for a certain grade
22 level to be included in the academic improvement plan written
23 by the student assistance team; and

24 BE IT FURTHER RESOLVED that the work group determine and
25 make recommendations regarding whether the state standards-

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1 based assessment is an appropriate and accurate measure of
2 academic proficiency for all students, including students from
3 households for whom English may not be the only language spoken
4 and for whom oral language may be a stronger tradition than
5 written language; and

6 BE IT FURTHER RESOLVED that the work group determine and
7 recommend remediation programs that have proven success in
8 improving the academic performance of all students, including
9 students from households for whom English may not be the only
10 language spoken and for whom oral language may be a stronger
11 tradition than written language; and

12 BE IT FURTHER RESOLVED that the work group determine and
13 recommend to the public education department screening
14 assessments for reading skills for public school students in
15 kindergarten through grade three that are appropriate for all
16 students, including those for whom English may not be the only
17 language spoken in the household and for whom oral language may
18 be a stronger tradition than written language; and

19 BE IT FURTHER RESOLVED that the work group study and
20 recommend to the public education department the intervals at
21 which screening assessments for reading skills should be
22 administered; and

23 BE IT FURTHER RESOLVED that the work group determine and
24 recommend to the public education department the policies and
25 procedures that each public school should implement to enable

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1 and to encourage regular, meaningful family member involvement
2 in the school and the student's education, which take into
3 account the cultural and ethnic backgrounds of families,
4 including those for whom English may not be the only language
5 spoken in the household and for whom oral language may be a
6 stronger tradition than written language; and

7 BE IT FURTHER RESOLVED that the work group review the
8 baseline assessment data on reading proficiency for students in
9 grades three, five and eight and recommend guidelines to the
10 public education department for use in making grade retention
11 and promotion decisions and determining appropriate and
12 effective remediation programs for all retained students,
13 including students for whom English may not be the only
14 language spoken in the household and for whom oral language may
15 be a stronger tradition than written language; and

16 BE IT FURTHER RESOLVED that the work group determine and
17 recommend to the public education department an alternative
18 assessment, instead of the state standards-based assessment, so
19 that all students' academic proficiency may be accurately
20 assessed, including students for whom English may not be the
21 only language spoken in the household and for whom oral
22 language may be a stronger tradition than written language; and

23 BE IT FURTHER RESOLVED that the work group recommend to
24 the public education department that the alternative assessment
25 it develops be used in making educational decisions, including

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1 grade retention and promotion decisions; and

2 BE IT FURTHER RESOLVED that the work group determine and
3 recommend to the public education department appropriate tools
4 school districts may use in evaluating retained students, which
5 should include consideration of whether the student is from a
6 household in which English may not be the only language spoken
7 and for whom oral language may be a stronger tradition than
8 written language; and

9 BE IT FURTHER RESOLVED that the work group determine and
10 recommend to the public education department alternative
11 programs to be used for all students who do not demonstrate
12 academic proficiency for two successive school years, including
13 students for whom English may not be the only language spoken
14 in the household and for whom oral language may be a stronger
15 tradition than written language; and

16 BE IT FURTHER RESOLVED that the work group review and
17 determine whether the alternative public education department-
18 approved norm-referenced standardized assessment and the
19 alternative public education department-approved criterion-
20 referenced standardized assessment are accurate measures of
21 academic proficiency for all students, including those for whom
22 English may not be the only language spoken in the household
23 and for whom oral language may be a stronger tradition than
24 written language, and if not, to determine and recommend to the
25 public education department alternative assessments, including

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1 individual teacher-developed assessments for each teacher's
2 class; and

3 BE IT FURTHER RESOLVED that the work group study and
4 recommend guidelines to the public education department for use
5 in determining different levels of disability of students in
6 special education and structuring each student's individualized
7 education programs according to the level of disability and the
8 individual need; and

9 BE IT FURTHER RESOLVED that the work group determine and
10 recommend standards for competency to teach reading to all
11 students, including those for whom English may not be the only
12 language spoken in the household and for whom oral language may
13 be a stronger tradition than written language, and assessments
14 for measuring competency to teach reading, to be recommended to
15 the public education department for evaluating currently
16 licensed teachers and student teachers; and

17 BE IT FURTHER RESOLVED that the work group study and
18 recommend training courses to the public education department
19 for currently licensed teachers and prospective teachers to
20 take, when the competency-to-teach-reading assessment shows
21 that the teacher falls below the standards for competency to
22 teach reading to all students, including those for whom English
23 may not be the only language spoken in the household and for
24 whom oral language may be a stronger tradition than written
25 language, and to recommend that the assessment be repeated

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1 after completion of the training course and that the training
2 course be repeated in the event that the teacher continues to
3 fall below the standards for competency to teach reading; and

4 BE IT FURTHER RESOLVED that the work group report its
5 findings and recommendations to the legislature and the
6 governor before the 2013 legislature; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to the secretary of public education, the secretary
9 of higher education, the director of the legislative education
10 study committee and the director of the legislative finance
11 committee.