

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 176

52nd Legislature, 1st Session, 2015

Tracking Number: .198742.1

Short Title: Limit School Assessments

Sponsor(s): Representative Sheryl Williams Stapleton

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Bill Summary:

HB 176 creates a new section in the *Public School Code* to provide that, only if a local school board or governing body of a charter school approves it, shall any assessment that is not mandated by federal accountability standards or a waiver of those standards be administered in public schools.

Fiscal Impact:

HB 176 does not contain an appropriation.

Substantive Issues:

Waiver of Certain Provisions of the Federal No Child Left Behind Act of 2001¹

In November 2014, the US Department of Education approved New Mexico's request for a waiver of certain provisions of the federal *No Child Left Behind Act of 2001*. Under Principal 1C of this request, the Public Education Department (PED) indicated that New Mexico is participating in the Partnership for Assessment of Readiness for College and Careers (PARCC) testing consortium. As such, if HB 176 is enacted, the PARCC test will continue to be implemented as the state's standards-based assessment for mathematics and English language arts beginning with school year 2014-2015.

The New Mexico Assessment and Accountability Act and the Public School Code

Provisions in the New Mexico's *Assessment and Accountability Act* require assessment of students in certain grades "...to comply with federal accountability requirements; to provide the means whereby parents, students, public schools, and the public can assess the progress of students in learning and schools in teaching required academic content; and to institute a system in which public schools, school districts and the department are held accountable for ensuring student success."

¹ The waiver of certain provisions of the *No Child Left Behind Act* is also referred to as "*Elementary and Secondary Education Act flexibility*."

Among its provisions, the *Assessment and Accountability Act* requires the following assessments:

- for grades 3-8 and 11, standards-based assessments in mathematics, reading and language arts, and social studies;
- for grades 3-8, a standards-based writing assessment with the writing assessment scoring criteria applied to the extended response writing portions of the language arts standards-based assessments;
- for one of the grades 3-5, 6-8, and 11, standards-based assessments in science;
- in grade 9, a short-cycle diagnostic assessment in reading, language arts, and mathematics to be locally administered in the fall and at least two additional times during the year;
- in grade 10, a short-cycle diagnostic assessment in reading, language arts, and mathematics that also serves as an early indicator of college readiness, to be locally administered at least three times during the year; and
- during the fall semester of grade 11, one or more of the following chosen by the student:
 - a college placement assessment;
 - a workforce readiness assessment; or
 - an alternative demonstration of competency using standards-based indicators.

Additionally, provisions relating to graduation in the *Public School Code* require final examinations to be administered to all students in classes offered for high school credit.

LESC Testing Survey

During the 2014 interim, Legislative Education Study Committee (LESC) staff issued a statewide survey to understand the amount of time spent on testing, the results of which were presented at the December meeting.

Reflecting responses from 55 of the state's 89 school districts (including Albuquerque Public Schools) and considering all state- and district-mandated assessments, the survey found that:

- at any of the grade levels, English language learner (ELL) students spend four to five more hours on testing than non-ELL students, partly because ELL students take additional language placement and language proficiency assessments;
- it appears that grades 3, 7, and 8 are the most tested for both ELL and non-ELL students;
- the average testing times per student for these school grades are as follows:
 - in third grade, ELL students average 27.11 hours of testing and non-ELL students 21.64 hours;
 - in seventh grade, ELL students average 27.86 hours of testing and non-ELL students 22.69 hours; and
 - in grade 8, ELL students average 27.37 hours and non-ELL students 22.20 hours;
- in grades K-3, formative assessments represent half of the testing time for a given student;
- in grade 9 the proportion of formative assessments in relation to the total of assessments increases 75 percent; and
- for other grades (grades 4-8 and grades 10 and 11), the proportion of formative assessments drops to 25 percent.

Among other points, staff testimony continued, the survey:

- found that, in general, the range in time that districts spend testing narrows as students move up in grades; and
- suggests the need for further research, perhaps to determine whether the variation in formative assessments across school grades affects the scores on summative assessments.

Staff testimony also addressed two open-ended questions in the survey, which were posed to gather school districts' expectations regarding the transition to the PARCC and the National Center and State Collaborative (NCSC) assessments. The former is to replace the state standards-based assessment and the high school graduation assessment in school year 2014-2015; the latter is to replace the New Mexico Alternate Performance Assessment, the assessment for students with cognitive disabilities, in school year 2015-2016.

With regard to these questions, staff testified that, in general, school districts regard PARCC optimistically despite some lingering concerns. For example, school districts believe that PARCC could decrease the time spent testing but increase the administrative burden of the assessment. The survey found different views of the NCSC assessment, however. For one thing, few districts seemed even to know about it; for another, those that did know about it were concerned that the electronic format in which the test will be administered would not be beneficial to students with cognitive disabilities.

Types of Assessments

Assessments can be categorized in any number of ways, but it may be helpful to classify them in the following groups:

- summative assessments;
- developmental, formative, or interim assessments;
- ELL and bilingual assessments; and
- college readiness assessments.

Summative Assessments

Summative assessments evaluate a student's development at a particular point in time. Because the focus is on the outcome of a program, each summative assessment is typically administered only one time each year, generally toward the end of the school year.

Mandatory Summative Assessments

In addition to those tests required in statute as discussed above, end-of-course (EoC) exams are used for certain student graduation requirements and the state's Educator Effectiveness System mandated in PED rule.

Discretionary Summative Assessments

Although the responses to the LESC survey noted above indicated that, of those school districts responding, none administer summative assessments, for which data would be available down to the student level, that are not mandated by law, some districts indicated participation in the

National Assessment of Educational Progress, which presents its results as an aggregate sampling at the state level.

Additionally, some assessments of college preparation, which are commonly provided by school districts, appear substantially similar to a summative assessment.

Developmental, Formative, or Interim Assessments

Developmental, formative, and interim assessments fall into the broader category of diagnostic testing. These assessments are used by teachers during the learning process in order to modify teaching and learning activities to improve student outcomes. As such, the results of these assessments typically include qualitative, as opposed to quantitative, feedback focusing on the details of content and performance. These tests are also known as short-cycle assessments.

Mandatory Developmental, Formative, or Interim Assessments

Certain developmental, formative, or interim assessments are required by statute or PED rule as listed below:

- DIBELS Next for grades K-3; and
- districts are required to provide at least one short-cycle assessment for grades 9-10 (but are encouraged by PED to provide the test for grades 4-10) from the following approved vendors:
 - the Northwest Evaluation Association, which produces the Measures of Academic Progress (MAP) assessment;
 - Discovery, which produces the Discovery Reading and Math assessments;
 - Renaissance Learning, which produces the STAR Math, Reading, and Early Literacy assessments; or
 - Houghton-Mifflin: Riverside, which produces the Assess2Know reading, math, and science benchmark assessments.

Discretionary Developmental, Formative, or Interim Assessments

Responses to the LESC survey indicated that many school districts employ these types of assessments beyond what is required by law. According to those responses, school districts used the following assessments:

- expanded use of the previously mentioned assessments to grades for which they are not mandatorily administered;
- district-developed, grade- or program-level interim assessments using a curriculum-based measurement model;
- elective modules for mandatory assessments, such as:
 - the DAZE module for DIBELS Next;
- identification and intervention assessments, including:
 - Mclass: Math;
 - BURST Vocabulary; and
 - Scholastic Reading Inventory; and

- digital learning platforms that allow for computer-adaptive differentiated learning with seamless prescriptive and formative assessment, including:
 - Accelerated Math;
 - Accelerated Reader;
 - Lexia;
 - Apex; and
 - IXL.

English Language Learner and Bilingual Assessments

Another kind of assessment required by law, but also frequently administered at the discretion of school districts, falls under the heading of ELL and bilingual assessments. Their administration is typically limited to those students requiring ELL services, for whom the assessments are mandated by state or federal provisions, or those students seeking to demonstrate mastery in a second language, for whom the assessments are typically discretionary to the district.

Mandatory English Language Learner and Bilingual Assessments

Certain ELL and bilingual assessments are required by statute or PED rule as listed below:

- ACCESS for ELLs;
- Alternate ACCESS; and
- the World-Class Instructional Design and Assessment (WIDA) ACCESS Placement Test (W-APT).

Among this group of mandatory assessments, with the exception of the initial year within a school district when the W-APT is required for benchmarking and placement, a student will generally take only a single assessment annually, either the ACCESS for ELLs or the Alternate ACCESS in the case that the student has accessibility issues with the standard assessment.

Discretionary English Language Learner and Bilingual Assessments

Survey responses indicated that many of the responding school districts employ these types of assessments beyond what is required by law. According to those responses, school districts used the following additional ELL or bilingual assessments:

- LAS Links;
- the Woodcock-Munoz assessment;
- the IPT Dual Language assessment; and
- an oral assessment of Diné language skills.

College and Vocational Readiness Assessments

This group of assessments can also be differentiated between:

- college readiness assessments, which provide an evaluation of a student's current skills and aptitudes relative to skill levels that are generally indicative of success in postsecondary education;

- college entrance examinations, which are used by postsecondary institutions in their selection of potential applicants for admission; and
- college placement examinations, which indicate the potential course level a student would place in at the start of their postsecondary education and also includes exams that would allow a student to gain college-level credit prior to attendance.

Provisions in current statute require that EoC tests must be aligned with the college placement tests administered by two-and four-year public postsecondary educational institutions in New Mexico.

Discretionary College and Vocational Readiness Assessments

Responses to the LESC survey indicated that many of the responding school districts employ these types of assessments even though they are not required by law. According to those responses, school districts used the following college and vocational readiness assessments:

- college readiness examinations, including:
 - Preliminary Scholastic Aptitude Test (PSAT)/National Merit Scholarship Qualifying Test (NMSQT);
 - ACT Plan and ACT Explore, which are being replaced by ACT Aspire;
- college entrance examinations, including:
 - SAT Reasoning Test; and
 - ACT;
- college placement examinations, including:
 - ACT Compass;
 - ACCUPLACER; and
 - Advanced Placement exams; and
- vocational aptitude exams, including:
 - the Armed Services Vocational Aptitude Battery (ASVAB).

Use of Assessment Data

Statewide assessments are used for a variety of accountability and other purposes, among them:

- high school graduation: in order to receive a New Mexico Diploma of Excellence, students must demonstrate competence on a standards-based assessment(s) or by means of a portfolio of standards-based indicators;
- school grading: student growth and achievement measures are factored into a school's grade, and schools and districts must test at least 95 percent of students enrolled in tested grades, as well as 95 percent of those students in the lowest quartile (failure to do so will result in the reduction in one letter grade); and
- teacher and administrator evaluation: 50 percent of educator evaluation may be based on student achievement based on:

- the New Mexico Standards-based Assessment/PARCC exam; and/or
- EoC exams; or
- the DIBELS test.

Committee Referrals:

HEC/HGEIC

Related Bills:

HB 15 *Limit School Days for Statewide Tests*
HB 145 *Graduation Standards to School Boards*
HB 165 *Remove AYP References in School Code*
HB 177 *Common Core Implementation Standards*
HB 298 *In-State Educational Companies & Services*
SB 127a *Development of End-of-Course Tests by Teacher*
SB 203 *Certain Students Tested in Native Language*
SB 328 *Graduation Standards to School Boards*
SB 390 *Align School Code with Assessment Practices*
SB 418 *Charter School Governing Body Elections*