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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**54th Legislature, 1st Session, 2019**

**Bill Number** HB92                      **Sponsor** Ferrary

**Tracking Number** .212009.1              **Committee Referrals** HEC/HSEIC

**Short Title** Limit School Testing Time

**Analyst** Bedeaux                                      **Original Date** 1/22/19  
**Last Updated** \_\_\_\_\_

**BILL SUMMARY**

Synopsis of Bill

House Bill 92 (HB92) would limit the time allocated for standardized testing to 25 hours per school year, with students to be tested for no more than three hours per day. The time limits would apply to all standardized testing, school, school district, state, and federal assessments, but would not apply to individualized assessments for English learners or special education students, teacher-created assessments, or nonmandatory college and career readiness assessments.

**FISCAL IMPACT**

HB92 does not contain an appropriation.

**SUBSTANTIVE ISSUES**

HB92 would limit the time allowed for standardized testing to 25 hours per year, with students to be tested for no more than three hours per day. Section 22-2C-4 NMSA 1978 requires PED to establish a statewide assessment and accountability system. The table below summarizes current PED assessments impacted and not impacted by HB92’s time limit.

**New Mexico 2019 Statewide Assessment Program Assessments Affected and Unaffected by HB92**

Assessments Subject to Time Limit	Assessments Not Subject to Time Limit
<ul style="list-style-type: none"> <li>• Spring 2019 Transition Assessment for math and English language arts (will replace PARCC);</li> <li>• New Mexico Standards-Based Assessment for science;</li> <li>• New Mexico Standards-Based Assessment for Spanish reading;</li> <li>• Early Childhood Observation Tool for prekindergarteners and kindergarteners;</li> <li>• End-of-Course Exams;</li> <li>• Istation Indicators of Progress early reading assessment; and</li> <li>• National Assessment of Educational Progress.</li> </ul>	<ul style="list-style-type: none"> <li>• ACCESS 2.0 for English Learners;</li> <li>• New Mexico Alternate Performance Assessment;</li> <li>• Other assessments required by individualized education plans for special education students;</li> <li>• Teacher-created assessments; and</li> <li>• Nonmandatory college and career readiness assessments like PSAT, SAT, ACT, Advanced Placement, and Accuplacer.</li> </ul>

Source: LESC Files

During its time as the statewide assessment, the PARCC exam was criticized, both for its use as the primary determinant of school grades and teacher evaluation scores and for the amount of time set aside for its administration. The previous administration reserved 3 weeks at the end of the school year for PARCC testing between the 2014-2015 school year, and after receiving feedback from teachers and students that the amount of time used for testing was reducing the time teachers could spend on instruction, reduced the length of the tests in the 2018-2019 school year.

PED analysis on HB92 notes that, depending on a student's grade level, mandatory student tests may take as much as time as 23.5 hours per year. Students in kindergarten through second grade test for as little as four hours per year, but in seventh through 11<sup>th</sup> grade, End-of-Course exams and the Spring 2019 Standards Based Assessment in mathematics and English language arts can total between 19.5 hours and 23.5 hours. PED noted the estimates were based on total time spent testing, not time used for transitioning between tests, reading instructions, or taking breaks.

The governor has renewed the commitment to reduce testing time, ordering PED in Executive Order 2019-001 to transition away from the PARCC and “pursue ratings and assessments that will decrease unnecessary pressure on students and teachers, provide more time for instruction, and conserve resources.” A PED memo to school districts and charter schools on January 10, 2019, noted the Spring 2019 Transition Assessment, the assessment slated to replace PARCC at the end of the 2018-2019 school year, would reduce overall testing time by 30 percent, down one to one and one half hours of testing time per subject area. The memo also notes the transition assessment will maintain comparability to prior years' assessments and will be aligned to the Common Core State Standards.

## **ADMINISTRATIVE IMPLICATIONS**

School districts and charter schools are currently not required to track how much time is spent testing; the creation of a limit would likely result in a new requirement for school districts and charter schools to report this information to ensure compliance.

## **OTHER SIGNIFICANT ISSUES**

A 2016 LFC program evaluation assessing time-on-task in New Mexico schools noted standardized assessment administration takes up approximately 21 hours per school year, about 2 percent of the total instructional hours per year.

The National Assessment of Educational Progress (NAEP) assesses a random sample of fourth and eighth grade students statewide, which may create inequities in the amount of time these students spend testing. NAEP is designed to last from 90 to 120 minutes; school districts and charter schools would need to anticipate the possibility students are selected and ensure these students still have the ability to take other required exams.

## **RELATED BILLS**

Related to SB110, No PARCC Testing Requirement.  
Related to SB229, School Support and Accountability Act.

## **SOURCES OF INFORMATION**

- LESC Files
- PED

**TB/mc/mhg**