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SENATE BILL 203

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

John M. Sapien

AN ACT

RELATING TO EDUCATION; ALLOWING CERTAIN STUDENTS TO BE TESTED THROUGH THE ACADEMIC ASSESSMENT PROGRAM USING PAPER TESTS OR TO BE TESTED IN THE STUDENT'S PRIMARY LANGUAGE, OR BOTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 22-2C-4 NMSA 1978 (being Laws 2003, Chapter 153, Section 13, as amended by Laws 2007, Chapter 306, Section 1 and by Laws 2007, Chapter 307, Section 3 and also by Laws 2007, Chapter 308, Section 3) is amended to read:

"22-2C-4. STATEWIDE ASSESSMENT AND ACCOUNTABILITY SYSTEM--INDICATORS--REQUIRED ASSESSMENTS--ALTERNATIVE ASSESSMENTS--LIMITS ON ALTERNATIVES TO ENGLISH LANGUAGE READING ASSESSMENTS.--

A. The department shall establish a statewide assessment and accountability system that is aligned with the

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1 state academic content and performance standards and that  
2 measures adequate yearly progress for each public school and  
3 school district. Adequate yearly progress shall be determined  
4 primarily by student academic achievement as demonstrated by  
5 statewide standards-based assessments; however, the department  
6 may include other indicators of adequate yearly progress,  
7 including graduation rates for high schools and attendance for  
8 elementary and middle schools.

9 B. The academic assessment program for adequate  
10 yearly progress shall test student achievement as follows:

11 (1) for grades three through eight and for  
12 grade eleven, standards-based assessments in mathematics,  
13 reading and language arts and social studies;

14 (2) for grades three through eight, a  
15 standards-based writing assessment with the writing assessment  
16 scoring criteria applied to the extended response writing  
17 portions of the language arts standards-based assessments; and

18 (3) for one of grades three through five and  
19 six through eight and for grade eleven, standards-based  
20 assessments in science by the 2007-2008 school year.

21 C. The department shall involve appropriate  
22 licensed school employees in the development of the standards-  
23 based assessments.

24 D. Before August 5 of each year, the department  
25 shall provide student scores on all standards-based assessments

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1 taken during the prior school year and required in Subsection B  
2 of this section to students' respective school districts in  
3 order to make test score data available to assist school  
4 district staff with appropriate grade-level and other placement  
5 for the current school year.

6 E. All students shall participate in the academic  
7 assessment program. The department shall adopt standards for  
8 reasonable accommodations in standards-based assessments for  
9 students with disabilities and limited English proficiency,  
10 including when and how accommodations may be applied. The  
11 legislative education study committee shall review the  
12 standards prior to adoption by the department.

13 F. ~~[Students who have been]~~ A student who is  
14 determined to be limited English proficient ~~[may]~~ and has  
15 attended school in the United States for less than three  
16 consecutive years shall be allowed to take the standards-based  
17 ~~[assessment]~~ assessments in ~~[their]~~ the student's primary  
18 language. A student who has attended school for three  
19 consecutive years in the United States shall participate in the  
20 English language reading assessment unless granted a waiver by  
21 the department based on criteria established by the department.  
22 An English language reading assessment waiver may be granted  
23 only for a maximum of two additional years and only on a case-  
24 by-case basis.

25 G. If the standards-based assessments are

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1 administered on a computer, a student shall be allowed to take  
2 a paper version of those assessments under one or more of the  
3 following conditions:

4 (1) the student is unable to use a computer  
5 because of a disability documented in the student's  
6 individualized education program;

7 (2) the student has little or no prior  
8 experience or familiarity with technology;

9 (3) the public school has previously  
10 documented that it does not meet the technology requirements to  
11 provide a computer-based assessment, and the public school's  
12 technology readiness survey is on file with the department; and

13 (4) the student is not allowed by religious or  
14 other beliefs to use technology and a statement to that effect  
15 from the student's parent is on file with the school counselor  
16 or the principal."