

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 138

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; CHANGING THE WRITING TEST FOR  
CERTAIN GRADES.

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) is amended to read:

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

A. The ~~[state board]~~ department shall establish a  
statewide assessment and accountability system that is aligned  
with the state academic content and performance standards and  
that measures adequate yearly progress for each student, public  
school and school district. Adequate yearly progress shall be  
determined primarily by student academic achievement, as

underscored material = new  
[bracketed material] = delete

1 demonstrated by statewide standards-based academic performance  
2 tests; however, the [~~state board~~] department may include other  
3 indicators of adequate yearly progress, including graduation  
4 rates for high schools and attendance for elementary and middle  
5 schools.

6 B. The academic assessment program for adequate  
7 yearly progress shall test student achievement as follows by  
8 the school year indicated:

9 (1) for grades kindergarten through two,  
10 diagnostic and standards-based tests on reading that include  
11 phonemic awareness, phonics and comprehension by the 2003-2004  
12 school year;

13 (2) for grades three through nine and for  
14 grade eleven, standards-based academic performance tests in  
15 mathematics, reading and language arts and social studies by  
16 the 2005-2006 school year; provided that testing in ninth grade  
17 and testing in social studies shall not occur until the  
18 legislature has provided funding for test development and  
19 implementation;

20 (3) for grades [~~four, six, eight and~~] three  
21 through nine and grade eleven, standards-based academic  
22 performance writing [~~tests~~] assessment with the writing  
23 assessment scoring criteria applied to the extended response  
24 writing portions of the language arts criterion-referenced  
25 tests by the 2005-2006 school year; and

. 149142. 1

underscored material = new  
[bracketed material] = delete

1 (4) for one of grades three through five and  
2 six through nine and for grade eleven, standards-based academic  
3 performance tests in science by the 2007-2008 school year.

4 C. The department shall involve appropriate  
5 licensed school employees in the development of the standards-  
6 based academic performance tests.

7 D. All students shall participate in the academic  
8 assessment program. The ~~[state board]~~ department shall adopt  
9 standards for reasonable accommodations in academic testing for  
10 students with disabilities and limited English proficiency,  
11 including when and how accommodations may be applied. The  
12 legislative education study committee shall review the  
13 standards prior to adoption by the ~~[state board]~~ department.

14 E. Students who have been determined to be limited  
15 English proficient may be allowed to take the standards-based  
16 academic performance test in their primary language. A student  
17 who has attended school for three consecutive years in the  
18 United States shall participate in the English language reading  
19 test unless granted a waiver by the department based on  
20 criteria established by the ~~[state board]~~ department. An  
21 English language reading test waiver may be granted only for a  
22 maximum of two additional years and only on a case-by-case  
23 basis. "