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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 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 demonstrated by statewide standards-based academic performance tests; however, the department may include other indicators of adequate yearly progress, including graduation rates for high schools and attendance for elementary and middle schools.

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

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

(2) for grades three through nine and for grade eleven, standards-based academic performance tests in mathematics, reading and language arts and social studies by the 2005-2006 school year; provided that

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1 testing in ninth grade and testing in social studies shall not occur until the  
2 legislature has provided funding for test development and implementation;  
3 (3) for grades three through nine, standards-based academic  
4 performance writing assessment with the writing assessment scoring criteria  
5 applied to the extended response writing portions of the language arts criterion-  
6 referenced tests by the 2005-2006 school year; and  
7 (4) for one of grades three through five and six through nine  
8 and for grade eleven, standards-based academic performance tests in science by  
9 the 2007-2008 school year.

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10 C. The department shall involve appropriate licensed school  
11 employees in the development of the standards-based academic performance  
12 tests.

13 D. All students shall participate in the academic assessment  
14 program. The department shall adopt standards for reasonable accommodations in  
15 academic testing for students with disabilities and limited English proficiency,  
16 including when and how accommodations may be applied. The legislative  
17 education study committee shall review the standards prior to adoption by the  
18 department.

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