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FISCAL IMPACT REPORT

ORIGINAL DATE 01/22/13
 SPONSOR Keller LAST UPDATED 01/28/13 HB _____
 SHORT TITLE No Standards-Based Tests Factored Into GPA SB 34
 ANALYST Chavez

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		
	Possible reductions (See Fiscal Implications)	Possible reductions (See Fiscal Implications)	Recurring	Title I

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal (See Fiscal Implications)	Minimal (See Fiscal Implications)	Minimal (See Fiscal Implications)	Recurring	School District and Charter School Operating Budgets

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 66

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 34 allows a parent to submit a request for a waiver for their child from taking any standards-based assessment that is not factored into the students' grade point average, effective for the entire school year. Under the bill, waivers will not affect the student's ability to participate in any activity sanctioned by the school, the student's ability to graduate from high school, or student promotion and retention decisions. The absence of assessment will also not affect school personnel decisions or school ratings.

FISCAL IMPLICATIONS

This bill contains no appropriation. A reduction of the number of students taking tests may lead to savings for school districts and charter schools as testing costs are also reduced.

PED notes that a significant reduction of students taking federally required tests could lead to the state's disqualification for part or all of federal Title I funds received. The state currently receives \$120 million in Title I funds, which require that at least 95 percent of all students to be assessed as a condition of funding.

SIGNIFICANT ISSUES

This bill would prevent a parents' waiver request from affecting a student's ability to participate in sports or other activities, move up in grade level and graduate, or schools from having their grade affected. In addition, teachers' annual evaluations would not be affected.

The NM Statewide Assessment Program 2012-2013 Procedures Manual shows the following assessments were required in school year 2012-2013:

- Standards Based Assessment (SBA)
 - in reading in grades 3 through 8, H2 and H3 (9th and 10th grade)
 - in writing in grades 3, 5, and 8
 - in mathematics in grades 3 through 8, H2 and H3
 - in science in grades 4, 7, and H3 (H2 students will not take the science test)
 - in grade 3 in mathematics and reading will contain items that are dually aligned with NM content standards and Common Core State Standards
 - Alternatives to the SBA are the New Mexico Alternative Performance Assessment (NMAPA) (offered for students with disabilities) and ACCESS for English language learners;
- New Mexico High School Competency Examination (NMHSCE) retesting for students exited from high school (and some still in school); NMAPA is the alternate for NMHSCE retesting for students exited from high school;
- End-of-Course (EOC) assessments and the Alternative Demonstration of Competency (ADC);
- Statewide formative assessments in English language arts and mathematics for grades 4 through 10

Concerns have been raised by stakeholders and schools nationally regarding the amount of testing students undergo in a given school year; for example, Artesia high schools report that when the SBA, high school graduation assessment (HSGA), EOC assessments and career and college readiness tests (CCR) such as the ACT and SAT are considered, students may take between 15 to 27 assessments in each of five subject matters for a total of 93 testing opportunities in high school. When other curricular assessments such as short-cycle assessments are considered, students in Artesia are tested 474 days throughout their time in high school. Other school districts also reported that tests take a significant portion of instructional time; Dexter Consolidated Schools reports the three schools in the district each take about 50 hours for the SBA to test and do make-up tests. Additionally, employees spend approximately 7 hours per employee to attend trainings and to prepare to administer the test.

However, PED expresses concern that SB 34 may be overly permissive with testing waivers and may lead to unforeseen consequences, including:

- The NMSBA is the only rigorous, objective, indicator for students, parents, teachers, and administrators of whether students are on grade level and progressing adequately to be college and career ready.
- Federal Title I requirements require every state receiving Title I funds to assess at least 95 Percent of all students as a condition of funding.
- Federal Title I requirements require New Mexico, under the Elementary and Secondary Education Act (ESEA) waiver, to have both a school accountability system that rates every school and an educator effectiveness system. Since the New Mexico A – F School Grades and Educator Effectiveness System (EES) are both data-driven, elimination of significant student data would make the current accountability models incomplete and ineffective.

A recent LFC report, however, shows that SBA scores in the state do not necessarily reflect college readiness. In both reading and math, SBA scores are generally predictive of a high school student’s likely need to require remediation in college, but proficient scores do not mean college ready. Beginning in FY13, all New Mexico sophomores and juniors take the SBA in multiple subjects, including reading and math. To be eligible for a traditional diploma, a student must score at least a 37 on the English and math portions. Large numbers of students meeting both the graduation requirement of 37, however, are still required to enroll in remedial college courses.

RELATIONSHIP

House Bill 66 changes high school graduation requirements.

TECHNICAL ISSUES

The bill states that the absence of the student on days when a standards-based assessment is administered shall not affect the student’s record; however, in many cases tests do not take an entire school day. In such cases, the student’s excused absence may lead to the student missing important instructional time.

On page 2, line 10, the bill states that the absence of assessment results shall not affect “school personnel decisions or consequences pursuant to the School Personal Act or department rule.” The Legislature may wish to explicitly state teacher and school leader evaluations will not be effected by a students’ absence from assessments. Also, the language “shall not count against”, rather than “affect”, further clarifies the intent of the bill.

ALTERNATIVES

Allow parents to waive student testing for non-federally mandated assessments.

KC/jl