

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: *HB 315

52nd Legislature, 1st Session, 2015

Tracking Number: .199345.1

Short Title: Audit Resources for Student Assessments

Sponsor(s): Representatives W. Ken Martinez and Stephanie Garcia Richard

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Bill Summary:

HB 315 adds a new section to the *Assessment and Accountability Act* to require the Public Education Department (PED) to conduct an audit of all resources used in school year 2015-2016 on all distinct national, state, and school district student assessments.

Among its provisions, the bill requires that the PED audit include:

- the total number of student assessments administered in each school district across the state;
- the total cost of student assessments on the state, school district, public school, grade, and per-student levels, provided that the cost data shall be disaggregated to show the amount spent on:
 - individuals, vendors, and other persons contracted by the state and school district for student assessments, including:
 - purchase and licensing costs;
 - test booklets;
 - scoring sheets; and
 - scoring costs;
 - logistical preparation and administration costs, including distributing, collecting, and storing assessment materials;
 - assessment preparation materials;
 - data coaches;
 - data analysis or dashboard systems, information technology purchase or information technology upgrade;
 - professional development focused primarily on student assessment data; and
 - any other costs related to student assessments;
- per-student cost data collected, which shall include additional assessments for student subgroups and be disaggregated to show spending for all assessments for:
 - English language learners;
 - students receiving intervention or remediation services;
 - students with disabilities;

- students by ethnicity; and
- economically disadvantaged students;
- the total amount of time spent by students taking all national, state, and district assessments, including time for administrative tasks such as distributing and collecting answer sheets and giving directions, as well as the total amount of time spent preparing students to take the assessments;
- a statewide survey of teachers on the utility of student assessments and the time devoted to test preparation for each assessment; provided that the survey must provide teacher respondents anonymity and must be administered during times that would not interfere with teachers' regular classroom and direct instructional duties; and provided further that teacher survey questions must include:
 - how student assessments have shaped the public school curricula;
 - how much time a teacher spends on:
 - assessment-taking strategies;
 - simulating the assessment environment;
 - aligning the assessments; and
 - aligning content to the assessments;
 - whether the assessments lead to an imbalance of instruction time for different student subgroups; and
 - any other relevant questions on how student assessments impact the learning environment of school; and
- recommendations on how to make student assessments:
 - cost-effective;
 - time-efficient;
 - more supportive of teaching and learning;
 - better aligned with curriculum being taught in the classroom; and
 - more focused on student and teacher growth.

Time data collected through the audit is to be disaggregated to show time spent:

- in each grade level in every school district on national, state, and district assessments; and
- on the following student groups:
 - English language learners;
 - students receiving intervention or remediation services;
 - students with disabilities;
 - general education students;
 - students by ethnicity; and
 - economically disadvantaged students.

Finally, the audit, as well as data screened to preserve student and teacher privacy, shall be public record.

*HB 315 contains an emergency clause.

Fiscal Impact:

HB 315 does not contain an appropriation.

Fiscal Issues:

According to PED:

- the cost of staff time for conducting the audit proposed in HB 315 is approximately \$50,000; and
- producing, administering, and collecting the statewide survey of teachers required in HB 315 would cost approximately \$200,000.

PED also asserts that there would be a cost to schools and districts to complete the assessment audit; however, PED does not indicate a specific cost.

The Office of the State Auditor (OSA) reports that the audit called for in HB 315 could potentially cost up to \$150,000, as the audit parameters prescribed in the bill would be considered a special audit, which is more complex when compared to fiscal audits that can be more standardized.

The *General Appropriation Act of 2015*, as passed by the House of Representatives, includes a \$6.0 million appropriation from the General Fund to PED for standards-based assessments. Testimony to the Legislative Education Study Committee (LESC) during the 2014 interim indicated that PED is requesting this appropriation as a transfer from the State Equalization Guarantee to PED due to an agreement with the vendor of the statewide accountability assessment, which stipulates that the vendor is to work directly with PED for remittance of payment.

Substantive Issues:

PED reports that collecting assessment information at the district and school levels is duplicative of efforts already underway. In January 2015, according to the department, PED sponsored four regional assessment workshops and asked districts to complete an assessment inventory. Some of the data included in this assessment inventory are duplicative of data requested in HB 315, according to PED, although the department does not indicate whether these data are publicly available, as would be required under HB 315.

During the 2014 interim, the LESC studied the amount of time spent on testing (see “Background,” below) and found that understanding the number, type, cost, and amount of time spent on testing can be a cumbersome task; however, noting the value in understanding the consequences and benefits of student testing, LESC staff recommended further study in order to grasp the effects that testing has on student learning and outcomes.

The OSA indicates that the agency supports the increased compliance, accountability, and transparency proposed in HB 315 regarding collection and expenditure of taxpayer dollars to ensure intended outcomes. The OSA further states that HB 315 could support greater transparency to assure efficacy of student assessments.

The OSA suggests adding language to the bill to require that the audit required in HB 315 be conducted in accordance with the *Audit Act* and associated audit rule.

Background:

The New Mexico Assessment and Accountability Act and the Public School Code

Provisions in the *Assessment and Accountability Act* require assessment of students in certain grades “...to comply with federal accountability requirements; to provide the means whereby parents, students, public schools, and the public can assess the progress of students in learning and schools in teaching required academic content; and to institute a system in which public schools, school districts and the department are held accountable for ensuring student success.”

Among its provisions, the *Assessment and Accountability Act* requires the following assessments:

- for grades 3-8 and 11, standards-based assessments in mathematics, reading and language arts, and social studies;
- for grades 3-8, a standards-based writing assessment with the writing assessment scoring criteria applied to the extended response writing portions of the language arts standards-based assessments;
- for one of the grades 3-5, 6-8, and 11, standards-based assessments in science;
- in grade 9, a short-cycle diagnostic assessment in reading, language arts, and mathematics to be locally administered in the fall and at least two additional times during the year;
- in grade 10, a short-cycle diagnostic assessment in reading, language arts, and mathematics that also serves as an early indicator of college readiness, to be locally administered at least three times during the year; and
- during the fall semester of grade 11, one or more of the following chosen by the student:
 - a college placement assessment;
 - a workforce readiness assessment; or
 - an alternative demonstration of competency using standards-based indicators.

Additionally, provisions relating to graduation in the *Public School Code* require final examinations to be administered to all students in classes offered for high school credit.

LESC Testing Survey

During the 2014 interim, LESL staff issued a statewide survey to understand the amount of time spent on testing, the results of which were presented at the December meeting.

Reflecting responses from 55 of the state’s 89 school districts (including Albuquerque Public Schools) and considering all state- and district-mandated assessments, the survey found that:

- at any of the grade levels, English language learner (ELL) students spend four to five more hours on testing than non-ELL students, partly because ELL students take additional language placement and language proficiency assessments;
- it appears that grades 3, 7, and 8 are the most tested for both ELL and non-ELL students;
- the average testing times per student for these school grades are as follows:
 - in third grade, ELL students average 27.11 hours of testing and non-ELL students 21.64 hours;

- in seventh grade, ELL students average 27.86 hours of testing and non-ELL students 22.69 hours; and
- in grade 8, ELL students average 27.37 hours and non-ELL students 22.20 hours;
- in grades K-3, formative assessments (see “Types of Assessments,” below) represent half of the testing time for a given student;
- in grade 9 the proportion of formative assessments in relation to the total of assessments increases 75 percent; and
- for other grades (grades 4-8 and grades 10 and 11), the proportion of formative assessments drops to 25 percent.

Among other points, staff testimony continued, the survey:

- found that, in general, the range in time that districts spend testing narrows as students move up in grades; and
- suggests the need for further research, which HB 315 would provide, perhaps to determine whether the variation in formative assessments across school grades affects the scores on summative assessments.

Staff testimony also addressed two open-ended questions in the survey, which were posed to gather school districts’ expectations regarding the transition to the Partnership for Assessment of Readiness for College and Careers (PARCC) and the National Center and State Collaborative (NCSC) assessments. The former is to replace the state standards-based assessment and the high school graduation assessment in school year 2014-2015; the latter is to replace the New Mexico Alternate Performance Assessment, the assessment for students with cognitive disabilities, in school year 2015-2016.

With regard to these questions, staff testified that, in general, school districts regard PARCC optimistically despite some lingering concerns. For example, school districts believe that PARCC could decrease the time spent testing but increase the administrative burden of the assessment. The survey found different views of the NCSC assessment, however. For one thing, few districts seemed even to know about it; for another, those that did know about it were concerned that the electronic format in which the test will be administered would not be beneficial to students with cognitive disabilities.

Types of Assessments

Assessments can be categorized in any number of ways, but it may be helpful to classify them in the following groups:

- summative assessments;
- developmental, formative, or interim assessments;
- ELL and bilingual assessments; and
- college readiness assessments.

Summative Assessments

Summative assessments evaluate a student’s development at a particular point in time. Because the focus is on the outcome of a program, each summative assessment is typically administered only one time each year, generally toward the end of the school year.

Mandatory Summative Assessments

In addition to those tests required in statute as discussed above, end-of-course (EoC) exams are used for certain student graduation requirements and the state's Educator Effectiveness System mandated in PED rule.

Discretionary Summative Assessments

The responses to the LESC survey noted above indicated that, of those school districts responding, no districts administer summative assessments that are not mandated by law and for which data would be available down to the student level. Some districts indicated participation in the National Assessment of Educational Progress, which presents its results as an aggregate sampling at the state level.

Additionally, some assessments of college preparation, which are commonly provided by school districts, appear substantially similar to a summative assessment.

Developmental, Formative, or Interim Assessments

Developmental, formative, and interim assessments fall into the broader category of diagnostic testing. These assessments are used by teachers during the learning process in order to modify teaching and learning activities to improve student outcomes. As such, the results of these assessments typically include qualitative, as opposed to quantitative, feedback focusing on the details of content and performance. These tests are also known as short-cycle assessments.

Mandatory Developmental, Formative, or Interim Assessments

Certain developmental, formative, or interim assessments are required by statute or PED rule as listed below:

- DIBELS Next for grades K-3; and
- districts are required to provide at least one short-cycle assessment for grades 9-10 (but are encouraged by PED to provide the test for grades 4-10) from the following approved vendors:
 - the Northwest Evaluation Association, which produces the Measures of Academic Progress (MAP) assessment;
 - Discovery, which produces the Discovery Reading and Math assessments;
 - Renaissance Learning, which produces the STAR Math, Reading, and Early Literacy assessments; or
 - Houghton-Mifflin: Riverside, which produces the Assess2Know reading, math, and science benchmark assessments.

Discretionary Developmental, Formative, or Interim Assessments

Responses to the LESC survey indicated that many school districts employ these types of assessments beyond what is required by law. According to those responses, school districts used the following assessments:

- expanded use of the previously mentioned assessments to grades for which they are not mandatorily administered;
- district-developed, grade- or program-level interim assessments using a curriculum-based measurement model;
- elective modules for mandatory assessments, such as the DAZE module for DIBELS Next;
- identification and intervention assessments, including:
 - Mclass: Math;
 - BURST Vocabulary; and
 - Scholastic Reading Inventory; and
- digital learning platforms that allow for computer-adaptive differentiated learning with seamless prescriptive and formative assessment, including:
 - Accelerated Math;
 - Accelerated Reader;
 - Lexia;
 - Apex; and
 - IXL.

English Language Learner and Bilingual Assessments

Another kind of assessment required by law, but also frequently administered at the discretion of school districts, falls under the heading of ELL and bilingual assessments. Administration of those assessments is typically limited to those students requiring ELL services, for whom the assessments are mandated by state or federal provisions, or those students seeking to demonstrate mastery in a second language, for whom the assessments are typically discretionary to the district.

Mandatory English Language Learner and Bilingual Assessments

Certain ELL and bilingual assessments are required by statute or PED rule as listed below:

- ACCESS for ELLs;
- Alternate ACCESS; and
- the World-Class Instructional Design and Assessment (WIDA) ACCESS Placement Test (W-APT).

Among this group of mandatory assessments, with the exception of the initial year within a school district when the W-APT is required for benchmarking and placement, a student will generally take only a single assessment annually, either the ACCESS for ELLs or the Alternate ACCESS in the case that the student has accessibility issues with the standard assessment.

Discretionary English Language Learner and Bilingual Assessments

Survey responses indicated that many of the responding school districts employ these types of assessments beyond what is required by law. According to those responses, school districts used the following additional ELL or bilingual assessments:

- LAS Links;
- the Woodcock-Munoz assessment;
- the IPT Dual Language assessment; and
- an oral assessment of Diné language skills.

College and Vocational Readiness Assessments

This group of assessments can also be differentiated between:

- college readiness assessments, which provide an evaluation of a student’s current skills and aptitudes relative to skill levels that are generally indicative of success in postsecondary education;
- college entrance examinations, which are used by postsecondary institutions in their selection of potential applicants for admission; and
- college placement examinations, which indicate the potential course level a student would place in at the start of his or her postsecondary education and also includes exams that would allow a student to gain college-level credit prior to attendance.

Provisions in current statute require that EoC tests must be aligned with the college placement tests administered by two- and four-year public postsecondary educational institutions in New Mexico.

Discretionary College and Vocational Readiness Assessments

Responses to the LESC survey indicated that many of the responding school districts employ these types of assessments even though they are not required by law. According to those responses, school districts used the following college and vocational readiness assessments:

- college readiness examinations, including:
 - Preliminary Scholastic Aptitude Test (PSAT)/National Merit Scholarship Qualifying Test (NMSQT);
 - ACT Plan and ACT Explore, which are being replaced by ACT Aspire;
- college entrance examinations, including:
 - SAT Reasoning Test; and
 - ACT;
- college placement examinations, including:
 - ACT Compass;
 - ACCUPLACER; and
 - Advanced Placement exams; and
- vocational aptitude exams, including:
 - the Armed Services Vocational Aptitude Battery.

Committee Referrals:

HGEIC/HEC

Related Bills:

HB 15 *Limit School Days for Statewide Tests*
HB 165 *Remove AYP References in School Code*
HB 176 *Limit School Assessments*
HB 177 *Common Core Implementation Standards*
HB 298 *In-State Educational Companies & Services*
HB 308a *School Workforce Assessment System*
HB 539 *Eliminate Certain Grade 9 & 10 Assessments*
HJM 3 *Standardized Test Contract Fund Reports*
SB 127a *Development of End-of-Course Tests by Teacher*
SB 203 *Certain Students Tested in Native Language*
SB 328 *Graduation Standards to School Boards*
SB 390 *Align School Code with Assessment Practices*
*SB 457 *Audit Resources for Student Assessments (Identical)*
SB 570 *Standards-based Content Standards & Delay*
SJM 9 *Standardized Test Contract Reporting*