

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 390

**52nd Legislature, 1st Session, 2015**

**Tracking Number:** .197613.2

**Short Title:** Align School Code with Assessment Practices

**Sponsor(s):** Senator William P. Soules

**Analyst:** Christina McCorquodale

**Date:** March 4, 2015 (revised)

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**Bill Summary:**

SB 390 amends the *Assessment and Accountability Act* to remove the requirements for assessing students in grades 3-8 and grade 11 in reading, mathematics, and social studies. The bill also removes the requirement to assess science once within grade bands 3-5, 6-8, and grade 11.

The bill further provides that the academic assessment program for adequate yearly progress must test student achievement for grades 3-8 only with a standards-based writing assessment applied to the extended response writing portions of the language arts standards-based assessment.

In addition, SB 390 allows the Public Education Department (PED) to allow students enrolled in an alternative, school-to-work setting to demonstrate competency in reading and mathematics using a national career-readiness assessment or an armed forces vocational aptitude assessment.

SB 390 also limits the use of the readiness assessment system to only students in grade 11, rather than students in grades 9, 10, and 11.

Finally, SB 390 specifies that a school district's or charter school's short-cycle assessment that PED may adopt as a college-readiness assessment must be a "short-cycle *diagnostic*" assessment (emphasis added).

**Fiscal Impact:**

SB 390 does not have an appropriation.

**Substantive Issues:**

The analysis by PED notes that eliminating reading, writing, and science assessments in grades 3-8 and grade 11 has significant implications for the department's initiatives including school grading, teacher evaluation, and the primary demonstration of competency for high school students to meet graduation requirements in reading, writing, mathematics, and science as outlined in state law.<sup>1</sup>

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<sup>1</sup> NMSA 22-13-1-1

Finally, PED's analysis indicates that the national career-readiness assessment and the armed forces vocational aptitude assessment would be in addition to the Tests of Adult Basic Education (TABE) and ACT WorkKeys for students in Supplemental Accountability Model (SAM) and state-supported schools to demonstrate competency for graduation which PED already allows.

**Background:**

***Legislative Education Study Committee Statewide Testing Survey***

During the 2014 interim, the Legislative Education Study Committee (LESC) staff presented results of a statewide testing survey. Reflecting responses from 55 of the state's 89 school districts (including Albuquerque Public Schools), the survey considered all state- and district-mandated assessments to include;

- Partnership for Assessment of Readiness for College and Careers (PARCC); and
- the National Center and State Collaborative (NCSC) assessments.

The LESC statewide testing survey found that:

- at any of the grade levels, English language learners (ELLs) 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 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 3-8 and grades 10 and 11), the proportion of formative assessments drops to 25 percent.

***Federal Accountability Assessments, School Grading, and Teacher and Principal Evaluation***

On November 14, 2014, the US Department of Education granted New Mexico's request for an extension of the *Elementary and Secondary Education Act* (ESEA, also known as the *No Child Left Behind Act of 2001*) flexibility through the end of school year 2014-2015. New Mexico's ESEA flexibility application includes sections that discuss three distinct principles:

1. college- and career-ready expectations for all students;
2. state-developed differentiated recognition, accountability, and support; and
3. supporting effective instruction and leadership.

Principle two specifically relates to New Mexico's *A-B-C-D-F Schools Rating Act*, which passed during the 2011 legislative session. Under the act, each public school in New Mexico will be given a grade of A, B, C, D, or F annually. The goals of the act are as follows:

- measure schools based on both proficiency and growth;
- meaningfully differentiate levels of success;
- avoid holding schools accountable for characteristics beyond their control; and
- provide meaningful data to champion success and identify areas of improvement.

Additionally, based on the application, growth was specifically defined as learning a year's worth of knowledge in one year's time as demonstrated by student performance on the New Mexico Standards-based Assessment<sup>2</sup> in reading and mathematics. As such, the school grading model includes growth measures for students moving from one performance level to a higher performance level, students who remain proficient or advanced, as well as growth for students who remain in beginning step or nearing proficient but move a certain number of scale score points. Additionally, the act specifies that the state must also look explicitly at the bottom 25 percent of students within a school.

Principle three within New Mexico's ESEA flexibility application specifically relates to the state's teacher and school leader evaluation system.

Adopted in August 2012 and amended in September 2013, the PED rule, titled *Teacher and School Leader Effectiveness* implements an evaluation program for public school teachers and administrators called the Effectiveness Evaluation System (EES). During the 2013 interim, the LESC heard a variety of testimony on the provisions and implementation of this rule and on other aspects of teacher and principal evaluation.

In PED rule, 50 percent of a teacher's evaluation is based on student achievement measures, whether derived from the state standards-based assessments or some other student assessment. Details vary, however, depending upon whether a teacher is a member of Group A, Group B, or Group C.

- Group A teachers teach subjects tested by the standards-based assessments in those grades in which the assessments are administered;
- Group B teachers teach either non-tested subjects or tested subjects in which the standards-based assessments are not administered; and
- Group C teachers teach in grades K-2.

For the remainder of a teacher's evaluation:

- 25 percent is based on teaching observations by one of two types of observers – either “approved” or “certified” – using the New Mexico Teacher Evaluation Advisory Council (NMTEACH) observation rubric; and
- 25 percent is based on “multiple measures,” which vary, again, according to the group to which the teacher belongs.

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<sup>2</sup> During school year 2014-2015, New Mexico will begin administering the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment.

## ***ACT WorkKeys Assessment***

ACT WorkKeys is an assessment system designed to measure the skill that employers have identified as crucial to success in today's work environment. Educators can use ACT WorkKeys to assess whether students are gaining the foundational skills necessary for success in the workplace and to identify necessary curricular changes.

There are three components to ACT WorkKeys, which can be used independently but are designed to be used together:

1. **skills assessments:** ACT WorkKeys assessments measure “foundational workplace skills” in the 10 areas of applied mathematics, applied technology, business writing, listening, locating information, observation, readiness, reading for information, teamwork, and writing. The assessments are available in both computer-based and paper-based formats;
2. **job analysis:** the WorkKeys system includes processes to determine what types of skills are needed for success in a particular job. The most intensive process is called job profiling, which involves focus groups and employee collaboration. The types of jobs that have been profiled by WorkKeys include manufacturing, healthcare, law enforcement, hospitality, and a range of white-collar professional jobs such as accountants and Web masters; and
3. **training:** ACT offers a variety of training options, many of which focus on WorkKeys skills. In addition, ACT certifies training programs offered by other organizations that align with the WorkKeys goals.

In addition, ACT WorkKeys (Reading for Information and Applied Math) has been aligned to scores on the College Readiness Benchmarks on the ACT Reading and Mathematics.<sup>3</sup> The benchmarks reflect the ACT scores students need to earn to have at least a 75 percent or greater chance of obtaining a course grade of C or better. Level 5 of ACT WorkKeys assessment for reading and math is comparable to these benchmarks. However, because ACT WorkKeys and the ACT do not measure the same things and are not perfectly correlated, scores on the two tests are not interchangeable.

According to Workforce Solutions Department, 575 students have taken at least one of the WorkKeys assessments.

### **Committee Referrals:**

SEC/SPAC

### **Related Bills:**

SB 196 *Discontinue Common Core Standards*  
SB 217 *Individual Choice on Some School Tests*  
HB 129 *Clarify School Test Individual Choice*  
HB 177 *Common Core Implementation Standards*

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<sup>3</sup> Level 5 in WorkKeys Reading for Information and Applied Math are comparable with the College Readiness Benchmarks in Reading and Math, based upon analysis of Illinois high school criteria. For more information, go to [http://www.innovate-educate.org/files/uploads/SummaryReady\\_For\\_CollegeReadyForWorkStudy.pdf](http://www.innovate-educate.org/files/uploads/SummaryReady_For_CollegeReadyForWorkStudy.pdf).