

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 390

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

AN ACT

RELATING TO EDUCATION; AMENDING THE PUBLIC SCHOOL CODE TO  
REFLECT CURRENT PUBLIC SCHOOL ASSESSMENT PRACTICES.

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, as amended by Laws 2007, Chapter 306,  
Section 1 and by Laws 2007, Chapter 307, Section 3 and also by  
Laws 2007, Chapter 308, Section 3) is amended to read:

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

A. The department shall establish a statewide  
assessment and accountability system that is aligned with the  
state academic content and performance standards and that

.201146.1

underscored material = new  
[bracketed material] = delete

1 measures adequate yearly progress for each public school and  
2 school district. Adequate yearly progress shall be determined  
3 primarily by student academic achievement, as demonstrated by  
4 statewide standards-based assessments; however, the department  
5 may include other indicators of adequate yearly progress,  
6 including graduation rates for high schools and attendance for  
7 elementary and middle schools.

8 B. The academic assessment program for adequate  
9 yearly progress shall test student achievement as follows:

10 (1) for grades three through eight and for  
11 grade eleven, standards-based assessments in mathematics,  
12 reading and language arts and social studies;

13 (2) for grades three through eight, a  
14 standards-based writing assessment with the writing assessment  
15 scoring criteria applied to the extended response writing  
16 portions of the language arts standards-based assessments; and

17 (3) for one of grades three through five and  
18 six through eight and for grade eleven, standards-based  
19 assessments in science by the 2007-2008 school year.

20 C. The department shall involve appropriate  
21 licensed school employees in the development of the standards-  
22 based assessments.

23 D. Before August 5 of each year, the department  
24 shall provide student scores on all standards-based assessments  
25 taken during the prior school year and required in Subsection B

1 of this section to students' respective school districts in  
2 order to make test score data available to assist school  
3 district staff with appropriate grade-level and other placement  
4 for the current school year.

5 E. All students shall participate in the academic  
6 assessment program. The department shall adopt standards for  
7 reasonable accommodations in standards-based assessments for  
8 students with disabilities and limited English proficiency,  
9 including when and how accommodations may be applied. The  
10 legislative education study committee shall review the  
11 standards prior to adoption by the department.

12 F. The department may allow students enrolled in an  
13 alternative school-to-work setting to demonstrate competency in  
14 reading and mathematics using a national career readiness  
15 assessment or an armed forces vocational aptitude assessment.

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

25 **SECTION 2.** Section 22-2C-4.1 NMSA 1978 (being Laws 2007,

.201146.1

1 Chapter 307, Section 4 and Laws 2007, Chapter 308, Section 4,  
2 as amended) is amended to read:

3 "22-2C-4.1. STATEWIDE COLLEGE AND WORKPLACE READINESS  
4 ASSESSMENT SYSTEM.--

5 A. The department shall establish a readiness  
6 assessment system to measure the readiness of every New Mexico  
7 high school student for success in higher education or a career  
8 no later than the 2008-2009 school year. The department shall  
9 ensure that the readiness assessment system is aligned with  
10 state academic content and performance standards, college  
11 placement tests and entry-level career skill requirements. The  
12 readiness assessment system shall include, [~~the following~~  
13 ~~components:~~

14 ~~(1) in grade nine, a short-cycle diagnostic~~  
15 ~~assessment in reading, language arts and mathematics to be~~  
16 ~~locally administered in the fall and at least two additional~~  
17 ~~times during the year;~~

18 ~~(2) in grade ten, a short-cycle diagnostic~~  
19 ~~assessment in reading, language arts and mathematics that also~~  
20 ~~serves as an early indicator of college readiness, to be~~  
21 ~~locally administered at least three times during the year; and~~

22 ~~(3)] in grade eleven, in the fall, one or more~~  
23 of the following chosen by the student:

24 ~~[(a)]~~ (1) a college placement assessment;

25 ~~[(b)]~~ (2) a workforce readiness assessment; or

1                    [~~(c)~~] (3) an alternative demonstration of  
2 competency using standards-based indicators.

3                    B. All students [~~at the specified~~] in grade [~~level~~]  
4 eleven shall participate in the readiness assessment system at  
5 no cost to the student.

6                    C. The department shall ensure that results of  
7 performance on readiness assessments [~~administered in grades~~  
8 ~~nine and ten~~] are reported to students, parents and public  
9 schools [~~no later than four weeks following the date on which~~  
10 ~~the assessments are administered~~] in a form that is easily  
11 understandable and useful in the next-step planning process.  
12 Reports of assessment results shall be provided to students and  
13 parents in writing whenever possible, but, if necessary, orally  
14 in the language best understood by each student and parent.

15                    D. The department shall adopt standards for  
16 reasonable accommodations in the administration of readiness  
17 assessments for students with disabilities and limited English  
18 proficiency, including when and how accommodations may be  
19 applied.

20                    E. In developing, selecting or approving the high  
21 school or college readiness assessments for school district or  
22 charter school use, the department may adopt commercially  
23 available standards-based assessments or approve a school  
24 district's or charter school's short-cycle assessments that  
25 meet the requirements of this section. The department shall

.201146.1

1 involve appropriate licensed school employees in the  
2 development or selection of readiness assessments."

3 SECTION 3. EFFECTIVE DATE.--The effective date of the  
4 provisions of this act is July 1, 2015.