

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 691

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
CHANGING THE PARTICIPATION RATE FOR STANDARDIZED STUDENT  
ASSESSMENTS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Assessment and  
Accountability Act is enacted to read:

"~~[NEW MATERIAL]~~ LEGISLATIVE FINDINGS--DECLARATION.--

A. The legislature finds that the federal  
Elementary and Secondary Education Act, also known as the No  
Child Left Behind Act of 2001, requires a participation rate of  
ninety-five percent on standardized student assessments.  
However, that act also requires that all students in all grades  
in all schools become proficient in all tested subjects by  
2014, assuming the required participation rate. Now that

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1 deadline has passed without the anticipated result of universal  
2 proficiency, and the legislature finds that the ninety-five  
3 percent participation rate has no significance.

4 B. The legislature also finds that there are  
5 numerous legitimate reasons why fewer than ninety-five percent  
6 of students may take standardized assessments, among them  
7 illness, scheduling conflicts and inclement weather, and that  
8 there are numerous legitimate reasons why fewer than ninety-  
9 five percent of students and parents may complete surveys,  
10 among them illness, logistical obstacles and lack of incentives  
11 for doing so.

12 C. The legislature finds further that the  
13 requirement of the ninety-five percent participation rate found  
14 in department rule that also imposes adverse consequences for  
15 teachers, schools and school districts that fail to enforce  
16 such requirement unfairly penalizes licensed school employees,  
17 public schools and school districts for situations beyond their  
18 control.

19 D. For these reasons, the legislature declares that  
20 a ninety-five percent participation rate shall not be used  
21 during the 2014-2015 and 2015-2016 school years for evaluating  
22 teachers, public schools or school districts or for any other  
23 purpose."

24 SECTION 2. A new section of the A-B-C-D-F Schools Rating  
25 Act is enacted to read:

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1           "[NEW MATERIAL] RATINGS NOT TO INCLUDE NINETY-FIVE PERCENT  
2 PARTICIPATION RATE.--When grading public schools during the  
3 2014-2015 and 2015-2016 school years, the department shall not  
4 require a participation rate of ninety-five percent on student  
5 assessments, student or parent surveys or any other measures  
6 employed in the grading system. If the department, in  
7 consultation with a public school or school district, finds  
8 that the participation rate on one of these measures is too low  
9 to be statistically valid, the department shall use a  
10 department-approved alternative measure acceptable to the  
11 public school or school district instead of the measure in  
12 question."

13           **SECTION 3.** A new section of the School Personnel Act is  
14 enacted to read:

15           "[NEW MATERIAL] PARTICIPATION RATES NOT USED FOR  
16 EVALUATIONS.--When evaluating licensed school employees during  
17 the 2014-2015 and 2015-2016 school years, neither the  
18 department nor a public school or school district shall require  
19 a participation rate of ninety-five percent on student  
20 assessments, student or parent surveys or any other measures  
21 employed in the evaluation system. If the department or a  
22 public school or school district finds that the participation  
23 rate on one of these measures is too low to be statistically  
24 valid, a department-approved alternative measure shall be used  
25 instead of the measure in question."

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1           SECTION 4. EMERGENCY.--It is necessary for the public  
2 peace, health and safety that this act take effect immediately.

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