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FISCAL IMPACT REPORT

ORIGINAL DATE 1/19/15

SPONSOR McCamley **LAST UPDATED** _____ **HB** 15

SHORT TITLE Limit School Days For Statewide Tests **SB** _____

ANALYST Chavez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total			NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bill 129 and Senate Bill 217

SOURCES OF INFORMATION

LFC Files

Responses Received From
Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 15 limits the total class time to administer assessments for adequate yearly progress (Section 22-2C-4 NMSA 1978) and for the statewide college and workplace readiness assessment system (Section 22-2C-4.1 NMSA 1978) to no more than five days each in both the fall and spring semester in any school year.

FISCAL IMPLICATIONS

This bill contains no appropriation.

PED indicates HB15 could bring New Mexico out of compliance with the federal Elementary and Secondary Education Act (ESEA) waiver that requires implementation of statewide standards and assessments, which could result in the state losing up to \$120 million in federal funding. However, losing the waiver would not automatically lead to the state losing federal funds; rather, if the state lost the waiver it would have to comply with adequate yearly progress (AYP) as defined under the ESEA. If the state then failed to meet those requirements, it could lose federal funding. Additionally, it is not clear from PED's analysis whether five days per

semester is insufficient time to administer federally-required assessments.

PED also notes that if signed into law, the bill could require a major overhaul of state testing procedures, which could require additional expenditures over and above money currently invested in testing. There is not sufficient information from the department to determine whether and how much the tests would need to be adjusted in order to meet the requirements of the bill.

SIGNIFICANT ISSUES

New Mexico state law requires the following tests:

Statewide assessment and accountability system (Section 22-2C-4 NMSA 1978):

- (1) for grades three through eight and for grade eleven, standards-based assessments in mathematics, reading and language arts and social studies;
- (2) for grades three through eight, 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; and
- (3) for one of grades three through five and six through eight and for grade eleven, standards-based assessments in science by the 2007-2008 school year.

Statewide college and workplace readiness assessment system (Section 22-2C-4.1 NMSA 1978):

- (1) in grade nine, 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;
- (2) in grade ten, 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
- (3) in grade eleven, in the fall, one or more of the following chosen by the student:
 - (a) a college placement assessment;
 - (b) a workforce readiness assessment; or
 - (c) an alternative demonstration of competency using standards-based indicators.

Information published on PED's website indicates standards-based assessments administered pursuant to Section 22-2C-4 NMSA 1978 generally take less than 11 hours per student. (See attachment.) Information on the PED website suggests the department has worked with school districts since 2011 to decrease the amount of time consumed by these required tests. While LFC staff does not currently have information for time taken for short-cycle assessments as required by Section 22-2C-4.1 NMSA 1978, given the time it takes for end-of-course assessments as documented in the attachment, it is unlikely that short-cycle take more than 2 hours per subject per exam in reading, language arts, and mathematics. According to PED analysis, statewide college and workforce readiness assessments as required in this section have never been administered; schools use standard one-day national assessments, including the SAT and ACT, in their place. Based on this information, it appears administration of these already fall within the five day per-semester limit, if the bill is interpreted to mean that the limit applies to the time for an individual student to take the tests.

However, the bill's requirement that "total class time to administer the assessments... shall not exceed five days in the fall semester and five days in the spring semester in any school year" is unclear as written. It could mean a five day per semester limit per individual student, class,

school, or school district or charter school. If it's construed to mean 5 total days of testing for schools, it could be problematic for schools to School districts would be affected much differently depending on the intent and interpretation of the bill.

While the bill is limited to tests as required by the statewide assessment and accountability system and the statewide college and workplace readiness assessment system, PED and school districts may implement additional assessments. For example, PED requires certain assessments in order for districts to be eligible to receive funding from certain programs, such as the department's early literacy initiative Reads to Lead. However, these tests are not mandated by state law and are not affected by the bill as written.

PED's analysis states that HB15's limitation on allowable testing time for statewide assessments would render the current assessments unusable, which would bring New Mexico out of compliance with the 2012 Elementary and Secondary Education Act waiver the state received from the U.S. Dept. of Education. However, given the time estimated for testing as published on the PED website, this does not appear to be the case.

Finally, the bill does not address time for test preparation; while the time taken for testing could be limited, school districts often spend additional class time preparing for a test.

ADMINISTRATIVE IMPLICATIONS

PED would be required to enforce the testing limits as defined in the bill; this would put more administrative burden on the department. Given high vacancy and turnover rates, it is not clear if the department would have sufficient resources to oversee the provisions of the bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 129 and SB 217 both allow for students to receive a waiver from PED-approved college and career readiness assessment and other assessments under certain circumstances.

TECHNICAL ISSUES

The term "days" as used in the bill could be interpreted in a variety of ways. For example, does a day in which testing takes place counts as a "day" of testing, or just the portion of the day in which the test is taken? Depending on how the term is interpreted, the amount of testing allowed under the bill could vary significantly.

Also, the bill is unclear in regards to whom or what is the subject of the five day limit – individual students, schools, or school districts. This should also be clarified.

KC/aml

New Mexico Statewide Assessment Program: Required Assessments

Over the last 4 years, the Public Education Department, in collaboration with districts, has worked to reduce overall testing time for New Mexico students while still maintaining best instructional practices and providing actionable data to educators and parents to better support our students as they prepare for success in college & career.

GRADE LEVEL	ASSESSMENT CONTENT AREA(S)	ASSESSMENT NAME	YEAR PASSED	PRIOR ESTIMATED TESTING TIME 2010	ESTIMATED TESTING TIME 2015	DIFFERENCE 2010 TO 2015
K-1	Reading	Interim Assessment (DIBELS) (screening and monitoring)	2009	3-6 minutes (3 times/year)	3-6 minutes (3 times/year)	Same
2	Reading	Interim Assessment (DIBELS) (diagnostic assessment)	2009	6-10 minutes (3 times/year)	6-10 minutes (3 times/year)	Same
3	Reading, math, writing	Accountability Assessment (PARCC)	2003	10 hours 40 minutes	6 hours 25 minutes	1 hour 20 minute decrease
4	Reading, math, science; writing added 2015	Accountability Assessment (SBA/PARCC)	2003	10 hours 40 minutes	9 hours 45 minutes	2 hour 20 minute decrease
5	Reading, math, writing	Accountability Assessment (PARCC)	2003	10 hours 40 minutes	6 hours 45 minutes	3 hour 55 minute decrease
6	Reading, math; writing added 2015	Accountability Assessment (PARCC)	2003	10 hours 40 minutes	7 hours 25 minutes	3 hour 15 minute decrease
7	Reading, math, science; writing added 2015	Accountability Assessment (SBA/PARCC)	2003	10 hours 40 minutes	10 hours 25 minutes	15 minute decrease
8	Reading, math, writing	Accountability Assessment (PARCC)	2003	10 hours 40 minutes	7 hours 25 minutes	3 hour 15 minute decrease
9 and 10	Reading, writing, math	Interim Assessments (short-cycle assessments)	2007	30-90 minutes (3 times/year)	30-90 minutes (3 times/year)	Same
9*	Reading, math, writing	Accountability Assessment (PARCC)	2011	None	7 hours 30 minutes	7 hour 30 minute increase
10*	Reading, math; writing added 2015	Accountability Assessment (PARCC)	2011	None	7 hours 30 minutes	7 hour 30 minute increase
11**	Reading, math, science; writing added 2015	Accountability Assessment (SBA/PARCC)	2003	13 hours 40 min	10 hours 30 minutes	3 hour 10 minute decrease
Throughout High School	All courses for high school credit***	EoC/Final Exam	1986	90 minutes per course (district determined)	90 minutes per course (district determined)	Same