

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 185

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO  
LIMIT THE NUMBER OF HOURS PER SCHOOL YEAR AND MINUTES PER  
SCHOOL DAY THAT SCHOOL DISTRICTS AND SCHOOLS SHALL ADMINISTER  
REQUIRED STATE AND DISTRICT ASSESSMENTS TO STUDENTS.

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) 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.

.207095.1

underscored material = new  
[bracketed material] = delete

1           B. The academic assessment program shall test  
2 student achievement as follows; provided that the total class  
3 time to administer assessments required in this section,  
4 excluding individualized assessments for English language  
5 learners and special education students, as well as individual  
6 teacher-created and college and career readiness assessments,  
7 shall not exceed twenty-five hours in any school year; and  
8 provided further that no student shall be required to be  
9 assessed for more than one hundred eighty minutes per school  
10 day without regard for the source of the assessment, including  
11 school, school district, state or federal assessments:

12                   (1) for grades three through eight and for  
13 grade eleven, standards-based assessments in mathematics,  
14 reading and language arts;

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

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

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

25           D. Before August 5 of each year, the department

1 shall provide student scores on all standards-based assessments  
2 taken during the prior school year and required in Subsection B  
3 of this section to students' respective school districts in  
4 order to make test score data available to assist school  
5 district staff with appropriate grade-level and other placement  
6 for the current school year.

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

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