

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2017 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 2/10/17
Original **Amendment** **Bill No:** HB185
Correction **Substitute**

Sponsor: Rep. Joanne J. Ferrary **Agency Code:** 924
Short LIMIT STATEWIDE SCHOOL **Person Writing** Christopher Ruskowski
Title: TESTING DAYS **Phone:** 827-6045 **Email** _____

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 185 limits the number of days per semester that school districts and schools shall administer required statewide assessment and limits the number of assessments per day.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

HB185 restricts test administration to five days in the fall and five days in the spring semester in a school year. The bill also limits administration of school, school district, state, or federal assessments to no more than one per day for each student.

HB185 sets an arbitrary standard for the amount of time spent engaging in the important work of student assessment. For example, it does not contemplate a student that may choose to engage in multiple advanced placement courses and advanced placement exams, which students, families, and schools often pursue in the spirit of college credit and democratic access to college-level material. Further, it does not account for students who pursue opportunities such as National Honor Society that are achieved in-part via the PSAT exam or students who may also want to prepare for and participate in a workforce readiness assessment in pursuit of an industry credential. Given the myriad opportunities provided to our students, HB185 does not accurately reflect the current educational landscape in establishing a one-size-fits-all standard.

Additionally, the requirements of this bill are not viable with the existing state testing requirements specified in state and federal law, regulation, and policy. For example, in the spring a high school student must demonstrate competency English Language Arts, Mathematics, Science, and Social Studies test to demonstrate competency for high school graduation. In addition, if the student is an English language learner, he or she would be required to participate in an English language proficiency exam. These requirements and/or opportunities may not be able to be met within the constraints of only five days of testing per semester and only one test per day given the needs and protections afforded to our children. Further, there is no research-basis or evidence that PED is aware of that indicated that current time spent on assessment exceeds this standard for the “average student”.

Current assessment administration options allow for local choice, efficient use of computers or computer labs for online testing, and the maximum amount of time spent on instruction. Larger schools and school districts in particular may have issues with the limited number of assessments allowed each day, while smaller schools and districts may already have the freedom to innovate

in this area of work already. In contrast, larger districts may have the ability to provide more flexibility in assessment scheduling options for students, while smaller districts may only be able to offer certain required assessments (and/or local assessments) at certain times.

Furthermore, this bill includes both school and school district assessments in the limitation of only one test per day, which restricts local decision-making about what is most appropriate for their students. While PED has received feedback that the time spent on locally-chosen assessments could be reduced, it does not assert that there is a “magic number” of days or hours. PED has sought, reduced, and continues to seek opportunities to reduce the time spent on assessments that are required by state and federal law.

HB185 also adds the word “diagnostic” on Page 5, Line 13, to specify “short-cycle diagnostic assessments.” The implication of this additional word is not known, though it may have massive implications for charter schools currently under performance contracts.

PERFORMANCE IMPLICATIONS

HB185 could have significant implications for students seeking to advance their college and career readiness prospects, and could have a chilling effect on local district discretion in the developing of student and schoolwide master schedules. Further, the state may not be able to meet all requirements of federal law, thus putting federal dollars for New Mexico’s children at-stake.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Districts and schools will continue to have local flexibility in determining how to best approach their student assessment strategies while adhering to important state and federal requirements that are designed to protect and provide transparency on the performance of all children. Students will also have additional opportunities to demonstrate competency as they seek a high school diploma.

AMENDMENTS