

LFC Requester:	LFC
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

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*{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 January 27, 2015  
**Original**     **Amendment**        **Bill No:** SB217  
**Correction**     **Substitute**   

**Sponsor:** Sen. William P. Soules    **Agency Code:** Attorney General's Office  
**Short Title:** Individual Choice Regarding Assessments    **Person Writing:** Roscoe A. Woods, AAG  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**BILL SUMMARY**

Synopsis:

SB217 is related to public education adding a new section to the public school code (Code), NMSA 1978, Section 21-1-1 *et seq.*, which would enable a student a waiver from taking a department-approved college and career readiness assessment and would not be a factor in the student’s GPA and would not affect the student’s eligibility to participate in sanctioned activities.

**FISCAL IMPLICATIONS**

None for the AGO

**SIGNIFICANT ISSUES**

The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 provides educators and States with specific requirements, including the implementation of college- and career-ready standards, which serve as the basis for what all students are taught, and will implement high-quality assessments aligned to those standards, to ensure that every student graduates from high school college- and career-ready.

Accordingly, SB217 may be in conflict with ESEA—May interfere with any appropriations or funding stemming from ESEA; may interfere with school’s ability to measure student’s progress and career readiness.

**ADMINISTRATIVE IMPLICATIONS**

None for AGO.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION**

Companion with HB129 (Rep. Stephanie Garcia Richard)

**TECHNICAL ISSUES**

None for AGO

## **OTHER SUBSTANTIVE ISSUES**

SB217 may require Federal Approval from U.S. Dept. of Education.

The State would need to develop new and achievable measurable objectives to guide and support efforts for the schools and students, including, but not limited to:

1. Detailed plans for implementing college and career ready standards and assessments;
2. The implementation of Achievement Compacts – partnership agreements between the state and each school district – expressing the contributions school districts should make toward statewide goals for education outcomes, as well as the resources, supports, and flexibility provided by the state;
3. Identification of higher- and lower-performing schools and focus on continuous improvement for all schools;
4. An emphasis on measuring student growth to determine whether schools are succeeding;
5. A focus on closing the achievement gap between all students and those historically underserved; and,
6. A statewide system of teacher and principal evaluations to promote and support educator effectiveness.

## **ALTERNATIVES**

In addition to the above, Section 21-1-10 of the Code may enable the NM Secy. of Educ. to effectuate said waivers so long as the US Dept. of Educ. concurs.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo—students would not be able to opt out the aforesaid assessments.

## **AMENDMENTS**

None.