

AN ACT

RELATING TO EDUCATIONAL STANDARDS; REQUIRING STUDENTS TO
ATTAIN A LEVEL OF PROFICIENCY REQUIRED BY ESTABLISHED
CONTENT STANDARDS; PROVIDING FOR REMEDIATION AND ACADEMIC
IMPROVEMENT PROGRAMS; PROVIDING FOR STUDENT ASSISTANCE
TEAMS; RESTRICTING PROMOTIONS.

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

Section 1. Section 22-2-8.6 NMSA 1978 (being Laws 1986,
Chapter 33, Section 7, as amended) is amended to read:

"22-2-8.6. EDUCATIONAL CONTENT STANDARDS--REMEDICATION
PROGRAMS--PROMOTION POLICIES--RESTRICTIONS.--

A. The state board shall identify educational
content standards as measured by the state assessment
program and establish performance levels of proficiency.
Remediation programs, academic improvement programs and
promotion policies shall be aligned with content standards
and based on the following:

- (1) statewide assessment results;
- (2) alternative school-district-determined
assessment results; and
- (3) student performance in school.

B. Local school boards shall approve district-
developed remediation programs and academic improvement
programs to provide special instructional assistance to

students in grades one through eight who fail to attain a level of proficiency established by the content standards. The cost of remediation programs and academic improvement programs shall be borne by the school district. Remediation programs and academic improvement programs shall be incorporated into the school district's educational plan for student success and filed with the department of education.

C. The cost of summer and extended day remediation programs and academic improvement programs offered in grades nine through twelve shall be borne by the parent or guardian; however, where parents are determined to be indigent according to guidelines established by the state board, the local school board shall bear those costs.

D. Diagnosis of weaknesses identified by the reading or writing performance assessment instrument administered pursuant to Section 22-2-8.5 NMSA 1978 may serve as criteria in assessing the need for remedial programs or retention.

E. A parent or guardian shall be notified no later than the end of the second grading period that his child is failing to attain appropriate grade level proficiency in content standards, and a conference consisting of the parent or guardian and the teacher shall be held to discuss possible remediation programs available to assist the student in attaining the required level of

proficiency established by the content standards. Specific academic deficiencies and remediation strategies shall be explained to the student's parent or guardian and a written plan developed containing timelines, academic expectations and the measurements to be used to verify that a student has overcome his academic deficiencies. Remediation programs and academic improvement programs include tutoring, extended day or week programs, summer programs and other research-based models for student improvement.

F. At the end of grades one through seven, three options are available, dependent on a student's attainment of the required level of proficiency established by the content standards:

(1) the student has attained the level of proficiency required by the content standards and shall enter the next higher grade;

(2) the student has not attained the required level of proficiency and shall participate in the required level of remediation. Upon certification by the school district that the student has successfully overcome his areas of deficiency, he shall enter the next higher grade; or

(3) the student has not attained the level of proficiency required by the content standards upon completion of the prescribed remediation program and upon

the recommendation of the certified school instructor and school principal shall either be:

(a) retained in the same grade for no more than one school year with an academic improvement plan developed by the student assistance team in order to attain proficiency of content standards, at which time the student shall enter the next higher grade; or

(b) promoted to the next grade if the parent or guardian refuses to allow his child to be retained pursuant to Subparagraph (a) of this paragraph. In this case, the parent or guardian shall sign a waiver indicating his desire that the student be promoted to the next higher grade with an academic improvement plan designed to address specific academic deficiencies. The academic improvement plan shall be developed by the student assistance team outlining timelines and monitoring activities to ensure progress toward overcoming those academic deficiencies. Students failing to attain proficiency of content standards at the end of that year shall then be retained in the same grade for no more than one year in order to have additional time to master the required content standards.

G. At the end of the eighth grade, a student who fails to attain proficiency of content standards shall be retained in the eighth grade for no more than one school year in order to attain proficiency of content standards or

if the student assistance team determines that retention of the student in the eighth grade will not assist the student attain the appropriate level of academic achievement and proficiency of standards, the team shall design a high school graduation plan to meet the student's needs for entry into the workforce or a post-secondary educational institution. If a student is retained in the eighth grade, the student assistance team shall develop a specific academic improvement plan that clearly delineates the student's academic deficiencies and prescribes a specific remediation plan to address those academic deficiencies.

H. A student who fails to attain proficiency of content standards for two successive school years shall be referred to the student assistance team for placement in an alternative program designed by the school district. Alternative program plans shall be filed with the department of education.

I. Promotion and retention decisions affecting a student enrolled in special education shall be made in accordance with the provisions of the individual educational plan established for that student.

J. For the purposes of this section:

(1) "academic improvement plan" means a written document developed by the student assistance team that describes the specific content standards required for a

certain grade level that a student has not achieved and that prescribes specific remediation programs such as summer school, extended day or week school and tutoring;

(2) "alternative school-district-determined assessment results" means the results obtained from student assessments developed by a local school board and conducted at an elementary grade level or middle school level;

(3) "educational plan for student success" means a student-centered tool developed to define the role of the academic improvement plan within the district that addresses methods to improve a student's learning and success in school and that identifies specific measures of a student's progress;

(4) "statewide assessment results" means the results obtained from the New Mexico achievement assessment that is administered annually to grades three through nine pursuant to state board rule; and

(5) "student assistance team" means a group consisting of a student's:

(a) teacher;

(b) school counselor;

(c) school administrator; and

(d) parent or legal guardian."

