

HOUSE FLOOR SUBSTITUTE FOR
HOUSE BILLS 78 & 225

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

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. [~~ESSENTIAL COMPETENCIES~~] EDUCATIONAL CONTENT
STANDARDS--REMEDICATION PROGRAMS--PROMOTION POLICIES--
[EXCEPTION] RESTRICTIONS.--

A. The state board shall identify [~~measurable
essential competencies and determine the criteria for mastery
of the essential competencies as established in the state~~]
educational content standards as measured by the state

1 assessment program and establish performance levels of
2 proficiency. Remediation programs, academic improvement
3 programs and promotion policies shall be aligned with content
4 standards and based on the following:

5 (1) statewide assessment results;

6 (2) alternative school-district-determined
7 assessment results; and

8 (3) student performance in school.

9 B. Local school boards shall ~~[develop]~~ approve
10 district-developed remediation programs and academic
11 improvement programs to provide special instructional
12 assistance to students in grades one through eight who fail
13 to ~~[master the essential competencies as established by the~~
14 ~~state board. Remediation programs may include but not be~~
15 ~~limited to tutoring or summer programs]~~ attain a level of
16 proficiency established by the content standards. The cost
17 of ~~[school-district-approved]~~ remediation programs and
18 academic improvement programs shall be borne by the school
19 district. Remediation ~~[plans shall be filed with the state~~
20 ~~board]~~ programs and academic improvement programs shall be
21 incorporated into the school district's educational plan for
22 student success and filed with the department of education.

23 C. The cost of summer and ~~[after-school]~~ extended
24 day remediation programs and academic improvement programs
25 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

1 board, the local school board shall bear those costs.

2 D. Diagnosis of weaknesses identified by the
3 reading or writing performance assessment instrument
4 administered pursuant to Section 22-2-8.5 NMSA 1978 [~~shall~~]
5 may serve as [~~a criterion~~] criteria in assessing the need for
6 remedial programs or retention.

7 E. A parent or guardian shall be notified no later
8 than the end of the second grading period that his child is
9 failing to attain appropriate grade level proficiency in
10 content standards, and a conference consisting of the parent
11 or guardian and the teacher shall be held to discuss possible
12 remediation programs available to assist the student in
13 attaining the required level of proficiency established by
14 the content standards. Specific academic deficiencies and
15 remediation strategies shall be explained to the student's
16 parent or guardian and a written plan developed containing
17 timelines, academic expectations and the measurements to be
18 used to verify that a student has overcome his academic
19 deficiencies. Remediation programs and academic improvement
20 programs include tutoring, extended day or week programs,
21 summer programs and other research-based models for student
22 improvement.

23 [~~E.~~] F. At the end of grades one through [~~eight,~~
24 ~~there are~~] seven, three options are available, dependent on a
25 student's [~~mastery~~] attainment of [~~essential competencies~~]
the required level of proficiency established by the content
standards:

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1 (1) the student has ~~[mastered the essential~~
2 ~~competencies]~~ attained the level of proficiency required by
3 the content standards and shall enter the next higher grade;

4 (2) the student has not ~~[mastered the~~
5 ~~essential competencies and may]~~ attained the required level
6 of proficiency and shall participate in the required level of
7 remediation. Upon certification by the school district that
8 the student has successfully ~~[mastered]~~ overcome his areas of
9 deficiency, he shall enter the next higher grade; or

10 (3) the student has not ~~[mastered the~~
11 ~~essential competencies]~~ attained the level of proficiency
12 required by the content standards upon completion of the
13 prescribed remediation program and upon the recommendation of
14 the certified school instructor and school principal shall
15 either be ~~[retained in the same grade for no more than one~~
16 ~~school year in order to have an additional opportunity to~~
17 ~~master the essential competencies, at which time the student~~
18 ~~shall enter the next higher grade.~~

19 F. ~~Any student who has participated in remediation~~
20 ~~programs pursuant to Paragraph (2) of Subsection E of this~~
21 ~~section and for whom retention is recommended shall be~~
22 ~~afforded an opportunity for a parent-teacher conference for~~
23 ~~the purpose of outlining the options available for the~~
24 ~~student and explaining the grounds for the recommendation of~~
25 ~~retention. A parent or guardian who refuses to allow his~~
~~child to be retained pursuant to Paragraph (3) of Subsection~~
~~E of this section shall sign a waiver indicating that the~~

1 ~~child's promotion is against the specific advice and~~
2 ~~recommendation of the certified school instructor and the~~
3 ~~school principal]:~~

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

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

23 G. At the end of the eighth grade, a student who
24 fails to attain proficiency of content standards shall be
25 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

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

11 ~~[G. Any]~~ H. A student who fails to ~~[master the~~
12 ~~essential competencies]~~ attain proficiency of content
13 standards for two successive school years shall be referred
14 to the student assistance team for placement in an
15 alternative program designed by the school district.
16 Alternative program plans shall be filed with the ~~[state~~
17 ~~board]~~ department of education.

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

22 J. For the purposes of this section:

23 (1) "academic improvement plan" means a
24 written document developed by the student assistance team
25 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

1 school, extended day or week school and tutoring;

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

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

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

16 (5) "student assistance team" means a group
17 consisting of a student's:
18 (a) teacher;
19 (b) school counselor;
20 (c) school administrator; and
21 (d) parent or legal guardian."

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