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HOUSE BILL 225

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

INTRODUCED BY  
Arthur Hawkins

FOR THE EDUCATION INITIATIVES AND ACCOUNTABILITY TASK FORCE

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; 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

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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

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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 in assessing the need for remedial  
6 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~~

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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. The  
student assistance team shall develop a specific academic

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1 improvement plan that clearly delineates the student's  
2 academic deficiencies and prescribes a specific remediation  
3 plan to address those academic deficiencies.

4 ~~[G. Any]~~ H. A student who fails to ~~[master the~~  
5 ~~essential competencies]~~ attain proficiency of content  
6 standards for two successive school years shall be referred  
7 to the student assistance team for placement in an  
8 alternative program designed by the school district.  
9 Alternative program plans shall be filed with the ~~[state~~  
10 ~~board]~~ department of education.

11 I. For the purposes of this section:

12 (1) "academic improvement plan" means a  
13 written document developed by the student assistance team  
14 that describes the specific content standards required for a  
15 certain grade level that a student has not achieved and that  
16 prescribes specific remediation programs such as summer  
17 school, extended day or week school and tutoring;

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

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

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

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

7                               (a) teacher;

8                               (b) school counselor;

9                               (c) school administrator; and

10                              (d) parent or legal guardian."

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