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SENATE BILL 104

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Gay G. Kernan

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING THAT A RECORD OF PUBLIC MEETINGS FOR SCHOOL IMPROVEMENT PLANS BE MADE PART OF THE PLAN.

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

Section 1. Section 22-2C-7 NMSA 1978 (being Laws 2003, Chapter 153, Section 16) is amended to read:

"22-2C-7. ADEQUATE YEARLY PROGRESS--SCHOOL IMPROVEMENT PLANS--CORRECTIVE ACTION.--

A. A public school that fails to make adequate yearly progress for two consecutive school years shall be ranked as a school that needs improvement.

B. Within ninety days of being notified that a public school within the school district has been ranked as a public school that needs improvement, the school district shall submit an improvement plan for that public school to the

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1 department. In developing the improvement plan, the local
2 superintendent, the president of the local school board and the
3 school principal of the public school that needs improvement
4 shall hold a public meeting to inform parents and the public of
5 the public school's rank. The meeting shall be used to elicit
6 suggestions from parents and the public on how to improve the
7 public school. After the public meeting, the school district
8 shall develop the public school's improvement plan, and the
9 local school board shall approve the improvement plan before it
10 is submitted to the department. The improvement plan shall be
11 approved by the department within thirty days of its
12 submission.

13 C. The improvement plan shall include:

14 (1) a record of the public meeting, including
15 the date, an attendance roster and a list of the suggestions
16 for improvement elicited from those in attendance;

17 ~~(1)~~ (2) documentation of performance
18 measures in which the public school failed to make adequate
19 yearly progress;

20 ~~(2)~~ (3) measurable objectives to indicate
21 the action that will be taken to address failed measures;

22 ~~(3)~~ (4) benchmarks to be used to indicate
23 progress in meeting academic content and performance standards;

24 ~~(4)~~ (5) an estimate of the time and the
25 resources needed to achieve each objective in the improvement

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1 plan;

2 [~~(5)~~] (6) the support services that shall be
3 provided to students and applications for federal and state
4 funds; and

5 [~~(6)~~] (7) any other information that the
6 public school that needs improvement, the local superintendent,
7 the local school board or the department deems necessary.

8 D. A public school that needs improvement may apply
9 to the department for financial or other assistance in
10 accordance with the improvement plan. The public school shall
11 make application for assistance substantially in the form
12 required by the department. The department shall evaluate
13 applications for assistance and may recommend changes to an
14 application or to an improvement plan if warranted by the final
15 application. The department shall consider innovative methods
16 to assist the public school in meeting its improvement plan,
17 including department or other school employees [~~to serve~~]
18 servicing as a mobile assistance team to provide administrative,
19 classroom, human resource and other assistance to the public
20 school that needs improvement as needed and as provided in
21 applications approved by the department.

22 E. If a public school fails to make adequate yearly
23 progress for two or more consecutive school years, it shall
24 provide transportation or pay the cost of transportation,
25 within available funds, for students who choose to enroll in a

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1 higher ranked public school.

2 F. If a public school fails to make adequate yearly
3 progress for three or more consecutive school years, it shall
4 provide supplemental services, including after-school programs,
5 tutoring and summer services, within available funds.

6 G. The [~~state board~~] department shall adopt rules
7 that govern the priority for students for whom supplemental
8 services shall be provided and for students for whom
9 transportation costs are paid.

10 H. If a public school fails to make adequate yearly
11 progress for four consecutive school years, it shall be ranked
12 as a public school subject to corrective action and the school
13 district, in conjunction with the department, shall take one or
14 more of the following actions in addition to earlier
15 improvements:

- 16 (1) replace staff as allowed by law;
17 (2) implement a new curriculum;
18 (3) decrease management authority of the
19 public school;
20 (4) appoint an outside expert to advise the
21 public school;
22 (5) extend the school day or year; or
23 (6) change the public school's internal
24 organizational structure.

25 I. If a public school fails to make adequate yearly

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1 progress for five consecutive school years, the school
2 district, in conjunction with the department, shall take one or
3 more of the following actions in addition to other
4 improvements:

5 (1) reopen the public school as a charter
6 school;

7 (2) replace all or most of the staff as
8 allowed by law;

9 (3) turn over the management of the public
10 school to the department; or

11 (4) make other governance changes.

12 J. A school district that fails to make adequate
13 yearly progress for two consecutive school years may be subject
14 to the same requirements as a public school that needs
15 improvement or the same requirements as a public school subject
16 to corrective action, as determined by the [~~state board~~]
17 department. A school district that fails to make adequate
18 yearly progress for four consecutive school years shall be
19 subject to corrective action.

20 K. The state or a school district shall not enter
21 into management contracts with private entities for the
22 management of a public school or a school district subject to
23 corrective action."