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SENATE BILL 212

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

INTRODUCED BY
Joseph J. Carraro

AN ACT

RELATING TO EDUCATION; REQUIRING READING PROFICIENCY PRIOR TO
PROMOTION TO THE FOURTH GRADE; MAKING AN APPROPRIATION.

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

Section 1. Section 22-2C-6 NMSA 1978 (being Laws 1986,
Chapter 33, Section 7, as amended) is amended to read:

"22-2C-6. REMEDIATION PROGRAMS--PROMOTION POLICIES--
RESTRICTIONS.--

A. Remediation programs, academic improvement
programs and promotion policies shall be aligned with
alternative school-district-determined assessment results and
requirements of the assessment and accountability program.

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

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1 assistance to students in grades one through eight who fail to
2 attain adequate yearly progress. The cost of remediation
3 programs and academic improvement programs shall be borne by
4 the school district. Remediation programs and academic
5 improvement programs shall be incorporated into the school
6 district's educational plan for student success and filed with
7 the department.

8 C. The cost of summer and extended day remediation
9 programs and academic improvement programs offered in grades
10 nine through twelve shall be borne by the parent; however,
11 where parents are determined to be indigent according to
12 guidelines established by the [~~state board~~] department, the
13 school district shall bear those costs.

14 D. Diagnosis of weaknesses identified by a
15 student's academic achievement may serve as [~~criteria~~] a
16 criterion in assessing the need for remedial programs or
17 retention.

18 E. A student who fails to read proficiently by the
19 end of the third grade shall not be promoted to the fourth
20 grade until the student reads proficiently, except that the
21 provisions of this subsection shall not apply to a
22 developmentally disabled student learning to read in accordance
23 with a developmentally appropriate plan approved by a licensed
24 school employee.

25 [~~E.~~] F. A parent shall be notified no later than

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1 the end of the second grading period that [~~his~~] the parent's
2 child is failing to make adequate yearly progress, and a
3 conference consisting of the parent and the teacher shall be
4 held to discuss possible remediation programs available to
5 assist the student in attaining adequate yearly progress.
6 Specific academic deficiencies and remediation strategies shall
7 be explained to the student's parent and a written plan
8 developed containing timelines, academic expectations and the
9 measurements to be used to verify that a student has overcome
10 [~~his~~] the student's academic deficiencies. Remediation
11 programs and academic improvement programs include tutoring,
12 extended day or week programs, summer programs and other
13 research-based models for student improvement.

14 [~~F-~~] G. Except as provided in Subsection E of this
15 section, at the end of grades one through seven, three options
16 are available, dependent on a student's adequate yearly
17 progress:

18 (1) the student has made adequate yearly
19 progress and shall enter the next higher grade;

20 (2) the student has not made adequate yearly
21 progress and shall participate in the required level of
22 remediation. Upon certification by the school district that
23 the student has made adequate yearly progress, [~~he~~] the student
24 shall enter the next higher grade; or

25 (3) the student has not made adequate yearly

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1 progress upon completion of the prescribed remediation program
2 and upon the recommendation of the teacher and school principal
3 shall either be:

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 meet
7 adequate yearly progress, at which time the student shall enter
8 the next higher grade; or

9 (b) promoted to the next grade if the
10 parent refuses to allow [~~his~~] the parent's child to be retained
11 pursuant to Subparagraph (a) of this paragraph. In this case,
12 the parent shall sign a waiver indicating [~~his~~] the parent's
13 desire that the student be promoted to the next higher grade
14 with an academic improvement plan designed to address specific
15 academic deficiencies. The academic improvement plan shall be
16 developed by the student assistance team [~~outlining~~] and shall
17 outline timelines and [~~monitoring~~] monitor activities to ensure
18 progress toward overcoming those academic deficiencies.

19 Students failing to make adequate yearly progress at the end of
20 that year shall then be retained in the same grade for no more
21 than one year in order to have additional time to master the
22 required content standards.

23 [~~G.~~] H. At the end of the eighth grade, a student
24 who fails to make adequate yearly progress shall be retained in
25 the eighth grade for no more than one school year to make

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1 adequate yearly progress or if the student assistance team
2 determines that retention of the student in the eighth grade
3 will not assist the student to make adequate yearly progress,
4 the team shall design a high school graduation plan to meet the
5 student's needs for entry into the work force or a post-
6 secondary educational institution. If a student is retained in
7 the eighth grade, the student assistance team shall develop a
8 specific academic improvement plan that clearly delineates the
9 student's academic deficiencies and prescribes a specific
10 remediation plan to address those academic deficiencies.

11 ~~[H.]~~ I. A student who fails to make adequate yearly
12 progress for two successive school years shall be referred to
13 the student assistance team for placement in an alternative
14 program designed by the school district. Alternative program
15 plans shall be filed with the department.

16 ~~[I.]~~ J. Promotion and retention decisions affecting
17 a student enrolled in special education shall be made in
18 accordance with the provisions of the individual educational
19 plan established for that student.

20 ~~[J.]~~ K. For the purposes of this section:

21 (1) "academic improvement plan" means a
22 written document developed by the student assistance team that
23 describes the specific content standards required for a certain
24 grade level that a student has not achieved and that prescribes
25 specific remediation programs such as summer school, extended

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1 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 at
5 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 school district that
9 addresses methods to improve a student's learning and success
10 in school and that identifies specific measures of a student's
11 progress; and

12 (4) "student assistance team" means a group
13 consisting of a student's:

14 (a) teacher;

15 (b) school counselor;

16 (c) school administrator; and

17 (d) parent."

18 Section 2. APPROPRIATION.--Ten million dollars
19 (\$10,000,000) is appropriated from the general fund to the
20 public education department for expenditure in fiscal year 2007
21 to fund reading enhancement, including tutoring, in grades one
22 through three in the public schools. Any unexpended or
23 unencumbered balance remaining at the end of fiscal year 2007
24 shall revert to the general fund.

25 Section 3. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2006.

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