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SENATE BILL 560

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

John M. Sapien

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR REMEDIATION AND  
PROMOTION POLICIES; REQUIRING REPORTING.

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 school-  
district-determined assessment results and requirements of the  
state 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 first through eighth grades [~~one~~  
2 ~~through eight~~] who do not demonstrate academic proficiency.  
3 The cost of remediation programs and academic improvement  
4 programs shall be borne by the school district. Remediation  
5 programs and academic improvement programs shall be  
6 incorporated into the school district's educational plan for  
7 student success and filed with the department.

8 C. The cost of summer and extended-day remediation  
9 programs and academic improvement programs offered in ninth  
10 through twelfth grades [~~nine through twelve~~] shall be borne by  
11 the parent; however, [~~where~~] when parents are determined to be  
12 indigent according to guidelines established by the department,  
13 the 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 parent shall be notified no later than the end  
19 of the second grading period that the parent's child is not  
20 academically proficient, and a conference consisting of the  
21 parent and the teacher shall be held to discuss possible  
22 remediation programs available to assist the student in  
23 becoming academically proficient. Specific academic  
24 deficiencies and remediation strategies shall be explained to  
25 the student's parent and a written intervention plan developed

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1 containing time lines, academic expectations and the  
2 measurements to be used to verify that a student has overcome  
3 academic deficiencies. Remediation programs and academic  
4 improvement programs include tutoring, extended-day or -week  
5 programs, summer programs and other research-based  
6 interventions and models for student improvement.

7 F. At the end of first through seventh grades [~~one~~  
8 ~~through seven~~], three options are available, dependent on a  
9 student's academic proficiency:

10 (1) the student is academically proficient and  
11 shall enter the next higher grade;

12 (2) the student is not academically proficient  
13 and shall participate in the required level of remediation.

14 Upon certification by the school district that the student is  
15 academically proficient, the student shall enter the next  
16 higher grade; or

17 (3) the student is not academically proficient  
18 after completion of the prescribed remediation program and upon  
19 the recommendation of the teacher and school principal shall  
20 either be:

21 (a) retained in the same grade for no  
22 more than one school year with an academic improvement plan  
23 developed by the student assistance team in order to become  
24 academically proficient, at which time the student shall enter  
25 the next higher grade; or

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1 (b) promoted to the next grade if the  
2 parent refuses to allow the child to be retained pursuant to  
3 Subparagraph (a) of this paragraph. In this case, the parent  
4 shall sign a waiver indicating the parent's desire that the  
5 student be promoted to the next higher grade with an academic  
6 improvement plan designed to address specific academic  
7 deficiencies. The academic improvement plan shall be developed  
8 by the student assistance team outlining time lines and  
9 monitoring activities to ensure progress toward overcoming  
10 those academic deficiencies. Students failing to become  
11 academically proficient at the end of that year as measured by  
12 grades, performance on school district assessments and other  
13 measures identified by the school district shall be retained in  
14 the same grade for no more than one year in order to have  
15 additional time to achieve academic proficiency.

16 G. At the end of the eighth grade, a student who is  
17 not academically proficient shall be retained in the eighth  
18 grade for no more than one school year to become academically  
19 proficient, or if the student assistance team determines that  
20 retention of the student in the eighth grade will not assist  
21 the student to become academically proficient, the team shall  
22 design a high school graduation plan to meet the student's  
23 needs for entry into the work force or a post-secondary  
24 educational institution. If a student is retained in the  
25 eighth grade, the student assistance team shall develop a

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

4 H. A student who does not demonstrate academic  
5 proficiency for two successive school years shall be referred  
6 to the student assistance team for placement in an alternative  
7 program designed by the school district. Alternative program  
8 plans shall be filed with the department.

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

13 J. For the purposes of this section:

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

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

24 (3) "educational plan for student success"  
25 means a student-centered tool developed to define the role of

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1 the academic improvement plan within the public school and the  
2 school district that addresses methods to improve student  
3 learning and success in school and that identifies specific  
4 measures of a student's progress; and

5 (4) "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."

11 SECTION 2. A new section of the Public School Code is  
12 enacted to read:

13 "[NEW MATERIAL] PROFESSIONAL DEVELOPMENT PLAN--  
14 REPORTING.--

15 A. By September 30 of each year, each school  
16 district shall provide to the department a professional  
17 development plan that includes proposals for teachers to  
18 receive professional development to adopt effective  
19 instructional methodologies and strategies in the areas of  
20 reading, English language development or English as a second  
21 language.

22 B. By May 15 of each year, each school district  
23 shall include in its annual accountability report:

- 24 (1) the number and percentage of students  
25 identified as requiring remediation;

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1 (2) the number and percentage of students who  
2 received differentiated remediation programs and:

3 (a) achieved reading proficiency within  
4 the school year; or

5 (b) did not achieve reading proficiency  
6 within the school year, were recommended for retention and: 1)  
7 were retained in the same grade; or 2) were not retained in the  
8 same grade due to a parental waiver;

9 (3) reading proficiency data for students who  
10 did not achieve reading proficiency and were promoted to the  
11 next higher grade due to a parental waiver; and

12 (4) student assistance team promotion and  
13 retention decisions for students who previously were promoted  
14 to the next higher grade due to a parental waiver.

15 C. The department shall develop a report to be  
16 presented to the legislative education study committee during  
17 the legislative interim to include the data derived from the  
18 accountability reports received from each school district."

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