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HOUSE BILL 475

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO EDUCATION; AMENDING A SECTION OF THE PUBLIC SCHOOL CODE PERTAINING TO ESSENTIAL COMPETENCIES AND REMEDIATION.

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 STANDARDS-- REMEDIATION PROGRAMS-- ACADEMIC IMPROVEMENT PROGRAMS-- PROMOTION POLICIES-- EXCEPTION. --

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 standards~~] standards measured by the state assessment program and establish performance levels of proficiency. Remediation programs, academic improvement

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1 programs and promotion policies shall be based on the
2 following:

- 3 (1) statewide assessment results;
- 4 (2) alternative, school-district-determined
5 assessment results; and
- 6 (3) student performance in school.

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

22 C. The cost of summer and [~~after-school~~] extended
23 day remediation programs and academic improvement programs
24 offered in grades nine through twelve shall be borne by the
25 parent or guardian; however, where parents are determined to

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1 be indigent according to guidelines established by the state
2 board, the local school board shall bear those costs.

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

7 E.] D. At the end of grades one through eight,
8 there are three options available, dependent on a student's
9 ~~[mastery]~~ attainment of ~~[essential competencies]~~ the following
10 standards:

11 (1) the student has ~~[mastered the essential~~
12 ~~competencies]~~ attained proficiency of standards and shall
13 enter the next higher grade;

14 (2) the student has not ~~[mastered the~~
15 ~~essential competencies and may]~~ attained proficiency of
16 standards and shall participate in a remediation program.

17 Upon certification by the school district that the student has
18 successfully mastered his areas of deficiency, he shall enter
19 the next higher grade; or

20 (3) the student has not ~~[mastered the~~
21 ~~essential competencies and]~~ attained proficiency of standards
22 upon completion of a prescribed remediation program and upon
23 the recommendation of the certified school instructor,
24 school's student assistance team, parent and school principal
25 shall either be:

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1 (a) retained in the same grade for no
2 more than one school year in order to [~~have an additional~~
3 ~~opportunity to master the essential competencies~~] attain
4 proficiency of standards, at which time the student shall
5 enter the next higher grade; or

6 [F. ~~Any student who has participated in~~
7 ~~remediation programs pursuant to Paragraph (2) of Subsection E~~
8 ~~of this section and for whom retention is recommended shall be~~
9 ~~afforded an opportunity for a parent-teacher conference for~~
10 ~~the purpose of outlining the options available for the student~~
11 ~~and explaining the grounds for the recommendation of~~
12 ~~retention. A parent or guardian who refuses to allow his~~
13 ~~child to be retained pursuant to Paragraph (3) of Subsection E~~
14 ~~of this section shall sign a waiver indicating that the~~
15 ~~child's promotion is against the specific advice and~~
16 ~~recommendation of the certified school instructor and the~~
17 ~~school principal.]~~

18 (b) promoted with an appropriate
19 academic improvement plan to the next higher grade.

20 [G.] E. Any student who fails to [~~master the~~
21 ~~essential competencies~~] attain proficiency of standards for
22 two successive school years shall be referred to the school's
23 student assistance team, which shall include parental
24 involvement for placement in an alternative program designed
25 by the school district. Alternative program plans shall be

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1 filed with the state board.

2 F. For the purposes of this section:

3 (1) "academic improvement plan" means a
4 written document developed by the student assistance team that
5 describes the specific academic standards that a student has
6 not achieved to be at a certain grade level and that
7 prescribes specific remediation programs that include summer
8 school, extended day school and tutoring;

9 (2) "alternative district-determined
10 assessment" means student assessments determined by a local
11 school board to be conducted at any elementary grade level or
12 middle school level;

13 (3) "educational plan for student success"
14 means a tool developed to define the role of the academic
15 improvement plan within the district that addresses methods to
16 improve a student's learning and success in school that is
17 student centered and identifies specific measures of a
18 student's progress;

19 (4) "statewide assessment results" means the
20 results obtained from the New Mexico achievement assessment
21 that is administered annually to grades four, six and eight
22 pursuant to state board rule; and

23 (5) "student assessment team" includes a
24 student's:

25 (a) teacher;

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- (b) school counselor;
- (c) school administrator;
- (d) parent or legal guardian; and
- (e) in the case of a student enrolled
in special education, his special education teacher and
appropriate specialists. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5
6 March 10, 1999

7
8 Mr. Speaker:

9
10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 HOUSE BILLS 475 AND 428

13
14 has had them under consideration and reports same with
15 recommendation that they DO NOT PASS, but that

16
17 HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
18 HOUSE BILLS 475 AND 428

19 DO PASS, and thence referred to the JUDICIARY
20 COMMITTEE.

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HEC/HB 475 & 428

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Respectfully submitted,

Rick Miera, Chairman

Adopted _____

(Chief Clerk)

Not Adopted _____

(Chief Clerk)

Date _____

The roll call vote was 15 For 0 Against

Yes: 15

Excused: None

Absent: Williams

J:\99Billswp\h0475

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HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 475 & 428

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO EDUCATION; AMENDING A SECTION OF THE PUBLIC SCHOOL
CODE PERTAINING TO ESSENTIAL COMPETENCIES AND REMEDIATION.

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
STANDARDS--REMEDICATION PROGRAMS-- ACADEMIC IMPROVEMENT
PROGRAMS-- PROMOTION POLICIES-- EXCEPTION. --

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 standards~~] standards as measured by the state
assessment program and establish performance levels for
proficiency. Remediation programs, academic improvement
programs and promotion policies shall be based on the
following:

(1) statewide assessment results;

1 (2) alternative, school-district-determined
2 assessment results; and

3 (3) student performance in school.

4 B. Local school boards shall [~~develop~~] approve
5 district-developed remediation programs and academic
6 improvement programs to provide special instructional
7 assistance to students in grades one through eight who fail to
8 [~~master the essential competencies as established by the state~~
9 ~~board~~] attain proficiency of standards. A parent or guardian
10 shall be notified that his child is failing to attain
11 appropriate grade level educational standards, no later than
12 the end of the second grading period, and a conference
13 consisting of the parent or guardian and the teacher shall
14 discuss possible remediation programs available to improve the
15 student's attainment of educational standards. Remediation
16 programs may include [~~but not be limited to tutoring or summer~~
17 programs] parent notification and early parental involvement.
18 Specific academic deficiencies and remediation strategies must
19 be agreed upon by the student's parent or guardian and a
20 written plan developed containing timelines, academic
21 expectations and the measurements used to verify that a
22 student has met the academic deficiencies. Remediation
23 programs and academic improvement programs must include
24 tutoring, extended day programs, summer programs or other
25 research based models. The cost of [~~school-district-approved~~]
remediation programs and academic improvement programs shall
be borne by the school district. [~~Remediation plans shall be~~
filed with the state board] Remediation programs and academic

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1 improvement programs shall be incorporated into the school
 2 district's educational plan for student success and filed with
 3 the department of education.

4 C. The cost of summer and ~~[after-school]~~ extended
 5 day remediation programs and academic improvement programs
 6 offered in grades nine through twelve shall be borne by the
 7 parent or guardian; however, where parents are determined to
 8 be indigent according to guidelines established by the state
 9 board, the local school board shall bear those costs.

10 ~~[D. Diagnosis of weaknesses identified by the~~
 11 ~~reading assessment instrument administered pursuant to Section~~
 12 ~~22-2-8.5 NMSA 1978 shall serve as a criterion in assessing the~~
 13 ~~need for remedial programs or retention.]~~

14 E.] D. At the end of grades one through ~~[eight]~~
 15 seven, there are three options available, dependent on a
 16 student's ~~[mastery]~~ attainment of ~~[essential competencies]~~ the
 17 following standards:

18 (1) the student has ~~[mastered the essential~~
 19 ~~competencies]~~ attained proficiency of standards and shall
 20 enter the next higher grade;

21 (2) the student has not ~~[mastered the~~
 22 ~~essential competencies and may]~~ attained proficiency of
 23 standards and shall participate in a remediation program.

24 Upon certification by the school district that the student has
 25 successfully mastered his areas of deficiency, he shall enter
 the next higher grade; or

(3) the student has not ~~[mastered the~~
~~essential competencies and]~~ attained proficiency of standards

1 upon completion of a prescribed remediation program and upon
2 the recommendation of the certified school instructor,
3 school's student assistance team, parent and school principal
4 shall either be ~~[retained in the same grade for no more than~~
5 ~~one school year in order to have an additional opportunity to~~
6 ~~master the essential competencies, at which time the student~~
7 ~~shall enter the next higher grade~~

8 F. ~~Any student who has participated in remediation~~
9 ~~programs pursuant to Paragraph (2) of Subsection E of this~~
10 ~~section and for whom retention is recommended shall be~~
11 ~~afforded an opportunity for a parent-teacher conference for~~
12 ~~the purpose of outlining the options available for the student~~
13 ~~and explaining the grounds for the recommendation of~~
14 ~~retention. A parent or guardian who refuses to allow his~~
15 ~~child to be retained pursuant to Paragraph (3) of Subsection E~~
16 ~~of this section shall sign a waiver indicating that the~~
17 ~~child's promotion is against the specific advice and~~
18 ~~recommendation of the certified school instructor and the~~
19 ~~school principal]:~~

20 (a) retained in the same grade for no
21 more than one school year with an academic improvement plan
22 developed by the school's student assistance team and the
23 student's parent or guardian in order to attain proficiency of
24 standards, at which time the student shall enter the next
25 higher grade; or

(b) a parent or guardian who refuses to
allow his child to be retained pursuant to Subparagraph (a) of
Paragraph (3) of this subsection shall sign a waiver

1 indicating his desire that the student be promoted to the next
 2 higher grade with a written academic improvement plan,
 3 designed to address specific academic deficiencies. The
 4 academic improvement plan shall be developed by the school's
 5 student assistance team and the student's parent or guardian
 6 outlining timelines and monitoring activities to ensure
 7 progress toward the attainment of those academic deficiencies.
 8 Students failing to achieve mastery of educational standards
 9 at the end of the year shall be retained in the same grade for
 10 no more than one year in order to have additional time to
 11 master the required standards.

12 E. At the end of the eighth grade any student who
 13 fails to attain educational standards as determined and
 14 measured in Subsection A of this section shall be retained in
 15 the eighth grade for no more than one school year in order to
 16 attain proficiency of standards. A specific academic
 17 improvement plan must be developed by the school's student
 18 assistance team and the student's parent or guardian that
 19 clearly delineates the student's academic deficiencies and
 20 prescribes a specific remediation plan to address those
 21 academic deficiencies.

22 [G.] F. Any student who fails to [master the
 23 essential competencies] attain proficiency of standards for
 24 two successive school years shall be referred to the school's
 25 student assistance team, which shall include parental
involvement for placement in an alternative program designed
by the school district. Alternative program plans shall be
filed with the [state board] department of education.

1 G. For the purposes of this section:

2 (1) "academic improvement plan" means a
3 written document developed by the student assistance team that
4 describes the specific academic standards that a student has
5 not achieved to be at a certain grade level and that
6 prescribes specific remediation programs that include summer
7 school, extended day school and tutoring;

8 (2) "alternative district-determined
9 assessment" means student assessments determined by a local
10 school board to be conducted at any elementary grade level or
11 middle school level;

12 (3) "educational plan for student success"
13 means a tool developed to define the role of the academic
14 improvement plan within the district that addresses methods to
15 improve a student's learning and success in school that is
16 student centered and identifies specific measures of a
17 student's progress;

18 (4) "statewide assessment results" means the
19 results obtained from the New Mexico achievement assessment
20 that is administered annually to grades four, six and eight
21 pursuant to state board rule; and

22 (5) "student assistance team" includes a
23 student's:

- 24 (a) teacher;
- 25 (b) school counselor;
- (c) school administrator;
- (d) parent or legal guardian; and
- (e) in the case of a student enrolled

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1 in special education, his special education teacher and
2 appropriate specialists. "

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