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HOUSE BILL 35

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

INTRODUCED BY

Earlene Roberts

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--REMEDATION PROGRAMS--ACADEMIC IMPROVEMENT PROGRAMS--PROMTION 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 as measured by the state assessment program and establish performance levels for proficiency. Remediation programs, academic improvement programs and

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1 promotion policies shall be based on the following:

2 (1) statewide assessment results;

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

5 (3) student performance in school.

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

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1 tutoring, extended day programs, summer programs or other
2 research-based models. The cost of [~~school district approved~~]
3 remediation programs and academic improvement programs shall
4 be borne by the school district. [~~Remediation plans shall be~~
5 ~~filed with the state board.~~] Remediation programs and academic
6 improvement programs shall be incorporated into the school
7 district's educational plan for student success and filed with
8 the department of education.

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

15 [~~D. Diagnosis of weaknesses identified by the~~
16 ~~reading assessment instrument administered pursuant to Section~~
17 ~~22-2-8.5 NMSA 1978 shall serve as a criterion in assessing the~~
18 ~~need for remedial programs or retention.~~

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

23 (1) the student has [~~mastered the essential~~
24 ~~competencies~~] attained proficiency of standards and shall
25 enter the next higher grade;

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1 (2) the student has not ~~[mastered the~~
2 ~~essential competencies and may]~~ attained proficiency of
3 standards and shall participate in remediation. Upon
4 certification by the school district that the student has
5 successfully mastered his areas of deficiency, he shall enter
6 the next higher grade; or

7 (3) the student has not ~~[mastered the~~
8 ~~essential competencies]~~ attained proficiency of standards upon
9 completion of a prescribed remediation program and upon the
10 recommendation of the certified school instructor, school's
11 student assistance team, parent and school principal shall
12 either be ~~[retained in the same grade for no more than one~~
13 ~~school year in order to have an additional opportunity to~~
14 ~~master the essential competencies, at which time the student~~
15 ~~shall enter the next higher grade.~~

16 F. ~~Any student who has participated in remediation~~
17 ~~programs pursuant to Paragraph (2) of Subsection E of this~~
18 ~~section and for whom retention is recommended shall be~~
19 ~~afforded an opportunity for a parent-teacher conference for~~
20 ~~the purpose of outlining the options available for the student~~
21 ~~and explaining the grounds for the recommendation of~~
22 ~~retention. A parent or guardian who refuses to allow his~~
23 ~~child to be retained pursuant to Paragraph (3) of Subsection E~~
24 ~~of this section shall sign a waiver indicating that the~~
25 ~~child's promotion is against the specific advice and~~

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1 ~~recommendation of the certified school instructor and the~~
2 ~~school principal.]:~~

3 (a) retained in the same grade for no
4 more than one school year with an academic improvement plan
5 developed by the school's student assistance team and the
6 student's parent or guardian in order to attain proficiency of
7 standards, at which time the student shall enter the next
8 higher grade; or

9 (b) a parent or guardian who refuses to
10 allow his child to be retained pursuant to Subparagraph (a) of
11 Paragraph (3) of this subsection shall sign a waiver
12 indicating his desire that the student be promoted to the next
13 higher grade with a written academic improvement plan designed
14 to address specific academic deficiencies. The academic
15 improvement plan shall be developed by the school's student
16 assistance team and the student's parent or guardian outlining
17 timelines and monitoring activities to ensure progress toward
18 the attainment of those academic deficiencies. Students
19 failing to achieve mastery of educational standards at the end
20 of the year shall be retained in the same grade for no more
21 than one year in order to have additional time to master the
22 required standards.

23 E. At the end of the eighth grade, any student who
24 fails to attain educational standards as determined and
25 measured in Subsection A of this section shall be retained in

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1 the eighth grade for no more than one school year in order to
2 attain proficiency of standards. A specific academic
3 improvement plan must be developed by the school's student
4 assistance team and the student's parent or guardian that
5 clearly delineates the student's academic deficiencies and
6 prescribes a specific remediation plan to address those
7 academic deficiencies.

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

15 G. For the purposes of this section:

16 (1) "academic improvement plan" means a
17 written document developed by the student assistance team that
18 describes the specific academic standards that a student has
19 not achieved to be at a certain grade level and that
20 prescribes specific remediation programs that include summer
21 school, extended day school and tutoring;

22 (2) "alternative district-determined
23 assessment" means student assessments determined by a local
24 school board to be conducted at any elementary grade level or
25 middle school level;

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1 (3) "educational plan for student success"
2 means a tool developed to define the role of the academic
3 improvement plan within the district that addresses methods to
4 improve a student's learning and success in school that is
5 student centered and identifies specific measures of a
6 student's progress;

7 (4) "statewide assessment results" means the
8 results obtained from the New Mexico achievement assessment
9 that is administered annually to grades four, six and eight
10 pursuant to state board rule; and

11 (5) "student assistance team" includes a
12 student's:
13 (a) teacher;
14 (b) school counselor;
15 (c) school administrator;
16 (d) parent or legal guardian; and
17 (e) in the case of a student enrolled
18 in special education, his special education teacher and
19 appropriate specialists. "