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HOUSE BILL 272

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Joe Mohorovic

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 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
10 to ~~[master the essential competencies as established by the~~
11 ~~state board]~~ attain proficiency of standards. A parent or
12 guardian shall be notified that his child is failing to
13 attain appropriate grade level educational standards no later
14 than 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~~
19 ~~summer programs]~~ parent notification and early parental
20 involvement. Specific academic deficiencies and remediation
21 strategies must be agreed upon by the student's parent or
22 guardian and a written plan developed containing timelines,
23 academic expectations and the measurements used to verify
24 that a student has met the academic deficiencies.
25 Remediation programs and academic improvement programs must
include tutoring, extended day programs, summer programs or
other researched-based models. The cost of ~~[school district-~~

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1 ~~approved~~] remediation programs and academic improvement
2 programs shall be borne by the school district. Remediation
3 ~~[plans shall be filed with the state board]~~ programs and
4 academic improvement programs shall be incorporated into the
5 school district's educational plan for student success and
6 filed with the department of education.

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

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

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

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

25 (2) the student has not ~~[mastered the~~
~~essential competencies and may]~~ attained proficiency of
standards and shall participate in remediation. Upon

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1 certification by the school district that the student has
2 successfully mastered his areas of deficiency, he shall enter
3 the next higher grade; or

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

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

(a) retained in the same grade for no
more than one school year with an academic improvement plan

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1 developed by the school's student assistance team and the
2 student's parent or guardian and school principal in order to
3 attain proficiency of standards, at which time the student
4 shall enter the next higher grade; or

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

20 E. At the end of the eighth grade, any student who
21 fails to attain educational standards as determined and
22 measured in Subsection A of this section shall be retained in
23 the eighth grade for no more than one school year in order to
24 attain proficiency of standards. A specific academic
25 improvement plan must be developed by the school's student
assistance team and the student's parent or guardian that
clearly delineates the student's academic deficiencies and

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1 prescribes a specific remediation plan to address those
2 academic deficiencies.

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

10 G. For the purposes of this section:

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

17 (2) "alternative district-determined
18 assessment" means student assessments determined by a local
19 school board to be conducted at any elementary grade level or
20 middle school level;

21 (3) "educational plan for student success"
22 means a tool developed to define the role of the academic
23 improvement plan within the district that addresses methods
24 to improve a student's learning and success in school that is
25 student centered and identifies specific measures of a
student's progress;

(4) "statewide assessment results" means the

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1 results obtained from the New Mexico achievement assessment
2 that is administered annually to grades four, six and eight
3 pursuant to state board rule; and

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

6 (a) teacher;

7 (b) school counselor;

8 (c) school administrator;

9 (d) parent or legal guardian; and

10 (e) in the case of a student enrolled
11 in special education, his special education teacher and
12 appropriate specialists."

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