

A JOINT MEMORIAL

REQUESTING THE STATE DEPARTMENT OF PUBLIC EDUCATION AND SCHOOL
DISTRICTS TO ESTABLISH CRITERIA FOR PROVIDERS OF SUPPLEMENTAL
SERVICES UNDER PROVISIONS OF THE FEDERAL NO CHILD LEFT BEHIND ACT OF
2001.

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WHEREAS, the federal No Child Left Behind Act of 2001 requires each state to establish a definition of adequate yearly progress to be used in a single statewide accountability system to measure the progress of all public schools and school districts over the next twelve years; and

WHEREAS, the federal No Child Left Behind Act of 2001 requires that when a Title 1 school fails to make adequate yearly progress for two consecutive years, the school district must identify that school as a school in need of improvement and the school's plan for school improvement must include ways to strengthen instruction and address the causes of failure; and

WHEREAS, the federal act requires that parents of students in schools receiving Title 1 funds that are identified as schools in need of improvement have the option to transfer to another public school in the school district that is not in need of improvement, and parents of students in Title 1 schools identified for their second year of schools in need of improvement are eligible to receive supplemental educational services for their children; and

WHEREAS, the federal act defines supplemental educational services as extra academic assistance, including tutoring, remediation and academic intervention, that must take place outside of the regular school day to ensure that students increase

their academic achievement in core subjects, such as reading, language arts and mathematics; and

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WHEREAS, the federal act requires states to identify eligible providers of supplemental educational services through their state educational agencies and to direct those agencies to develop objective criteria in consultation with parents and to work with school districts on providing geographically relevant provider lists; and

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WHEREAS, student access to supplemental educational services under the intent of the law is not limited by the time left in the current school and funding year; and

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WHEREAS, the provision of supplemental education services through the summer break would provide access to many more students, preparing these students for the fall semester; and

WHEREAS, school districts can encumber already appropriated funds that would otherwise revert and can provide a broader base of experience for assessing the program; and

WHEREAS, school districts should encourage service providers to offer their programs through the summer break; and

WHEREAS, according to the state department of public education, approximately eighty percent of New Mexico's public schools receive Title 1 funds appropriated to New Mexico through the No Child Left Behind Act of 2001;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the state department of public education encourage application by local entities to provide supplemental educational services that meet the federal guidelines for providing services to enable public schools to make adequate

yearly progress and that have demonstrated prior experience and documented success in improving the achievement of students; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the superintendent of public instruction and the director of the legislative education study committee.

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