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HOUSE BILL 682

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Mimi Stewart

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING SUPPLEMENTAL SERVICES FOR CERTAIN STUDENTS; REQUIRING THAT CONTRACTORS EMPLOY LICENSED TEACHERS AS TUTORS; REQUIRING STANDARD ASSESSMENTS FOR STUDENT ACHIEVEMENT THROUGH SUPPLEMENTAL SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-2C-7 NMSA 1978 (being Laws 2003, Chapter 153, Section 16) is amended to read:

"22-2C-7. ADEQUATE YEARLY PROGRESS--SCHOOL IMPROVEMENT PLANS--CORRECTIVE ACTION.--

A. A public school that fails to make adequate yearly progress for two consecutive school years shall be ranked as a school that needs improvement.

B. Within ninety days of being notified that a public school within the school district has been ranked as a

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1 public school that needs improvement, the school district shall
2 submit an improvement plan for that public school to the
3 department. In developing the improvement plan, the local
4 superintendent, the president of the local school board and the
5 school principal of the public school that needs improvement
6 shall hold a public meeting to inform parents and the public of
7 the public school's rank. The meeting shall be used to elicit
8 suggestions from parents and the public on how to improve the
9 public school. After the public meeting, the school district
10 shall develop the public school's improvement plan, and the
11 local school board shall approve the improvement plan before it
12 is submitted to the department. The improvement plan shall be
13 approved by the department within thirty days of its
14 submission.

15 C. The improvement plan shall include:

16 (1) documentation of performance measures in
17 which the public school failed to make adequate yearly
18 progress;

19 (2) measurable objectives to indicate the
20 action that will be taken to address failed measures;

21 (3) benchmarks to be used to indicate progress
22 in meeting academic content and performance standards;

23 (4) an estimate of the time and the resources
24 needed to achieve each objective in the improvement plan;

25 (5) the support services that shall be

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1 provided to students and applications for federal and state
2 funds; and

3 (6) any other information that the public
4 school that needs improvement, the local superintendent, the
5 local school board or the department deems necessary.

6 D. A public school that needs improvement may apply
7 to the department for financial or other assistance in
8 accordance with the improvement plan. The public school shall
9 make application for assistance substantially in the form
10 required by the department. The department shall evaluate
11 applications for assistance and may recommend changes to an
12 application or to an improvement plan if warranted by the final
13 application. The department shall consider innovative methods
14 to assist the public school in meeting its improvement plan,
15 including department or other school employees [~~to serve~~]
16 serving as a mobile assistance team to provide administrative,
17 classroom, human resource and other assistance to the public
18 school that needs improvement as needed and as provided in
19 applications approved by the department.

20 E. If a public school fails to make adequate yearly
21 progress for two or more consecutive school years, it shall
22 provide transportation or pay the cost of transportation,
23 within available funds, for students who choose to enroll in a
24 higher ranked public school.

25 F. If a public school fails to make adequate yearly

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1 progress for three or more consecutive school years, it shall
2 provide supplemental services, including after-school programs,
3 tutoring and summer services to its Title I students, within
4 available funds.

5 G. The [~~state board~~] department shall adopt rules
6 that govern the priority for students for whom supplemental
7 services shall be provided and for students for whom
8 transportation costs are paid. The rules shall require that a
9 provider of supplemental services approved for contracts in New
10 Mexico use only licensed teachers as tutors in New Mexico; and
11 require that providers use a common pre- and post-assessment
12 instrument prescribed by the department to measure the gains
13 that students achieve through supplemental services.

14 H. If a public school fails to make adequate yearly
15 progress for four consecutive school years, it shall be ranked
16 as a public school subject to corrective action and the school
17 district, in conjunction with the department, shall take one or
18 more of the following actions in addition to earlier
19 improvements:

- 20 (1) replace staff as allowed by law;
- 21 (2) implement a new curriculum;
- 22 (3) decrease management authority of the
23 public school;
- 24 (4) appoint an outside expert to advise the
25 public school;

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- 1 (5) extend the school day or year; or
- 2 (6) change the public school's internal
- 3 organizational structure.

4 I. If a public school fails to make adequate yearly
5 progress for five consecutive school years, the school
6 district, in conjunction with the department, shall take one or
7 more of the following actions in addition to other
8 improvements:

9 (1) reopen the public school as a charter
10 school;

11 (2) replace all or most of the staff as
12 allowed by law;

13 (3) turn over the management of the public
14 school to the department; or

15 (4) make other governance changes.

16 J. A school district that fails to make adequate
17 yearly progress for two consecutive school years may be subject
18 to the same requirements as a public school that needs
19 improvement or the same requirements as a public school subject
20 to corrective action, as determined by the [~~state board~~]
21 department. A school district that fails to make adequate
22 yearly progress for four consecutive school years shall be
23 subject to corrective action.

24 K. The state or a school district shall not enter
25 into management contracts with private entities for the

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1 management of a public school or a school district subject to
2 corrective action."

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