

1 AN ACT

2 RELATING TO EDUCATION; PROVIDING FOR HIGH SCHOOL REDESIGN;  
3 PROVIDING FOR COLLEGE AND WORKPLACE READINESS; PROVIDING NEW  
4 ASSESSMENTS; RAISING THE AGE AT WHICH A STUDENT MAY DROP OUT  
5 OF SCHOOL; ELIMINATING CERTIFICATES OF EMPLOYMENT;  
6 ELIMINATING PART-TIME SCHOOLS; CHANGING HIGH SCHOOL  
7 GRADUATION REQUIREMENTS; PROVIDING FOR A MIDDLE AND HIGH  
8 SCHOOL LITERACY INITIATIVE; INCREASING REQUIRED MINIMUM  
9 INSTRUCTIONAL AREAS IN FIRST THROUGH THIRD AND EIGHTH GRADES;  
10 RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN  
11 LAWS 2005.

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

14 Section 1. Section 22-1-1.2 NMSA 1978 (being Laws 2003,  
15 Chapter 153, Section 2) is amended to read:

16 "22-1-1.2. LEGISLATIVE FINDINGS AND PURPOSE.--

17 A. The legislature finds that no education system  
18 can be sufficient for the education of all children unless it  
19 is founded on the sound principle that every child can learn  
20 and succeed and that the system must meet the needs of all  
21 children by recognizing that student success for every child  
22 is the fundamental goal.

23 B. The legislature finds further that the key to  
24 student success in New Mexico is to have a multicultural  
25 education system that:

1 (1) attracts and retains quality and diverse  
2 teachers to teach New Mexico's multicultural student  
3 population;

4 (2) holds teachers, students, schools,  
5 school districts and the state accountable;

6 (3) integrates the cultural strengths of its  
7 diverse student population into the curriculum with high  
8 expectations for all students;

9 (4) recognizes that cultural diversity in  
10 the state presents special challenges for policymakers,  
11 administrators, teachers and students;

12 (5) provides students with a rigorous and  
13 relevant high school curriculum that prepares them to succeed  
14 in college and the workplace; and

15 (6) elevates the importance of public  
16 education in the state by clarifying the governance structure  
17 at different levels.

18 C. The legislature finds further that the teacher  
19 shortage in this country has affected the ability of  
20 New Mexico to compete for the best teachers and that, unless  
21 the state and school districts find ways to mentor beginning  
22 teachers, intervene with teachers while they still show  
23 promise, improve the job satisfaction of quality teachers and  
24 elevate the teaching profession by shifting to a professional  
25 educator licensing and salary system, public schools will be

1 unable to recruit and retain the highest quality teachers in  
2 the teaching profession in New Mexico.

3 D. The legislature finds further that a  
4 well-designed, well-implemented and well-maintained  
5 assessment and accountability system is the linchpin of  
6 public school reform and must ensure that:

7 (1) students who do not meet or exceed  
8 expectations will be given individual attention and  
9 assistance through extended learning programs and  
10 individualized tutoring;

11 (2) students have accurate, useful  
12 information about their options and the adequacy of their  
13 preparation for post-secondary education, training or  
14 employment in order to set and achieve high goals;

15 (3) teachers who do not meet performance  
16 standards must improve their skills or they will not continue  
17 to be employed as teachers;

18 (4) public schools make adequate yearly  
19 progress toward educational excellence; and

20 (5) school districts and the state are  
21 prepared to actively intervene and improve failing public  
22 schools.

23 E. The legislature finds further that improving  
24 children's reading and writing abilities and literacy  
25 throughout their years in school must remain a priority of

1 the state.

2 F. The legislature finds further that the public  
3 school governance structure needs to change to provide  
4 accountability from the bottom up instead of from the top  
5 down. Each school principal, with the help of school  
6 councils made up of parents and teachers, must be the  
7 instructional leader in the public school, motivating and  
8 holding accountable both teachers and students. Each local  
9 superintendent must function as the school district's chief  
10 executive officer and have responsibility for the day-to-day  
11 operations of the school district, including personnel and  
12 student disciplinary decisions.

13 G. It is the purpose of the 2003 public school  
14 reform legislation as augmented by this 2007 legislation to  
15 provide the framework to implement the legislative findings  
16 to ensure student success in New Mexico."

17 Section 2. Section 22-2C-1 NMSA 1978 (being Laws 2003,  
18 Chapter 153, Section 10) is amended to read:

19 "22-2C-1. SHORT TITLE.--Chapter 22, Article 2C NMSA  
20 1978 may be cited as the "Assessment and Accountability  
21 Act"."

22 Section 3. Section 22-2C-4 NMSA 1978 (being Laws 2003,  
23 Chapter 153, Section 13, as amended) is amended to read:

24 "22-2C-4. STATEWIDE ASSESSMENT AND ACCOUNTABILITY  
25 SYSTEM--INDICATORS--REQUIRED ASSESSMENTS--ALTERNATIVE

1 ASSESSMENTS--LIMITS ON ALTERNATIVES TO ENGLISH LANGUAGE

2 READING ASSESSMENTS.--

3 A. The department shall establish a statewide  
4 assessment and accountability system that is aligned with the  
5 state academic content and performance standards and that  
6 measures adequate yearly progress for each public school and  
7 school district. Adequate yearly progress shall be  
8 determined primarily by student academic achievement, as  
9 demonstrated by statewide standards-based assessments;  
10 however, the department may include other indicators of  
11 adequate yearly progress, including graduation rates for high  
12 schools and attendance for elementary and middle schools.

13 B. The academic assessment program for adequate  
14 yearly progress shall test student achievement as follows:

15 (1) for grades three through eight and for  
16 grade eleven, standards-based assessments in mathematics,  
17 reading and language arts and social studies;

18 (2) for grades three through eight, a  
19 standards-based writing assessment with the writing  
20 assessment scoring criteria applied to the extended response  
21 writing portions of the language arts standards-based  
22 assessments; and

23 (3) for one of grades three through five and  
24 six through eight and for grade eleven, standards-based  
25 assessments in science by the 2007-2008 school year.

1 C. The department shall involve appropriate  
2 licensed school employees in the development of the  
3 standards-based assessments.

4 D. All students shall participate in the academic  
5 assessment program. The department shall adopt standards for  
6 reasonable accommodations in standards-based assessments for  
7 students with disabilities and limited English proficiency,  
8 including when and how accommodations may be applied. The  
9 legislative education study committee shall review the  
10 standards prior to adoption by the department.

11 E. Students who have been determined to be limited  
12 English proficient may be allowed to take the standards-based  
13 assessment in their primary language. A student who has  
14 attended school for three consecutive years in the United  
15 States shall participate in the English language reading  
16 assessment unless granted a waiver by the department based on  
17 criteria established by the department. An English language  
18 reading assessment waiver may be granted only for a maximum  
19 of two additional years and only on a case-by-case basis."

20 Section 4. A new section of Chapter 22, Article 2C NMSA  
21 1978 is enacted to read:

22 "STATEWIDE COLLEGE AND WORKPLACE READINESS ASSESSMENT  
23 SYSTEM.--

24 A. The department shall establish a readiness  
25 assessment system to measure the readiness of every New

1 Mexico high school student for success in higher education or  
2 a career no later than the 2008-2009 school year. The  
3 department shall ensure that the readiness assessment system  
4 is aligned with state academic content and performance  
5 standards, college placement tests and entry-level career  
6 skill requirements. The readiness assessment system shall  
7 include the following components:

8 (1) a high school readiness assessment in  
9 English, reading, mathematics and science in the fall  
10 semester of grade nine;

11 (2) a college readiness assessment in  
12 English, reading and mathematics in grade ten; and

13 (3) a workplace readiness assessment to  
14 assess applied skills in reading, mathematics and locating  
15 information in grade eleven.

16 B. All students at the specified grade level shall  
17 participate in the readiness assessment system at no cost to  
18 the student.

19 C. The department shall ensure that results of  
20 performance on readiness assessments are reported to  
21 students, parents and public schools no later than four weeks  
22 following the date on which the assessments are administered,  
23 in a form that is easily understandable and useful in the  
24 next-step planning process. Reports of assessment results  
25 shall be provided to students and parents in writing whenever

1 possible, but, if necessary, orally in the language best  
2 understood by each student and parent.

3 D. The department shall adopt standards for  
4 reasonable accommodations in the administration of readiness  
5 assessments for students with disabilities and limited  
6 English proficiency, including when and how accommodations  
7 may be applied.

8 E. In developing or selecting the high school or  
9 college readiness assessments, the department may adopt  
10 commercially available standards-based assessments that meet  
11 the requirements of this section. The department shall  
12 involve appropriate licensed school employees in the  
13 development or selection of readiness assessments."

14 Section 5. Section 22-8-43 NMSA 1978 (being Laws 2000  
15 (2nd S.S.), Chapter 14, Section 2, as amended) is amended to  
16 read:

17 "22-8-43. PUBLIC SCHOOL READING PROFICIENCY FUND--  
18 CREATED.--The "public school reading proficiency fund" is  
19 created in the state treasury. The fund shall consist of  
20 appropriations, gifts, grants and donations. The fund shall  
21 be administered by the department, and money in the fund is  
22 appropriated to the department to distribute awards to public  
23 middle, junior and senior high schools that implement  
24 innovative, scientifically based reading programs. The  
25 department shall develop procedures and rules for the



1 application and award of money from the fund, including  
2 criteria upon which to evaluate innovative, scientifically  
3 based reading programs. Public schools receiving funds shall  
4 show evidence that they are using quality, scientifically  
5 based reading research to improve reading proficiency and  
6 shall develop individualized reading plans for students who  
7 fail to meet grade level reading proficiency standards.  
8 Disbursements of the fund shall be made by warrant of the  
9 department of finance and administration pursuant to vouchers  
10 signed by the secretary or the secretary's authorized  
11 representative. Any unexpended or unencumbered balance  
12 remaining in the fund at the end of any fiscal year shall not  
13 revert but shall remain to the credit of the fund."

14 Section 6. Section 22-12-2 NMSA 1978 (being Laws 1967,  
15 Chapter 16, Section 170, as amended) is amended to read:

16 "22-12-2. COMPULSORY SCHOOL ATTENDANCE--  
17 RESPONSIBILITY.--

18 A. Except as otherwise provided, a  
19 school-age person shall attend public school, private school,  
20 home school or a state institution until the school-age  
21 person is at least eighteen years of age unless that person  
22 has graduated from high school or received a general  
23 educational development certificate. A parent may give  
24 written, signed permission for the school-age person to leave  
25 school in case of hardship approved by the local

1 superintendent.

2 B. A school-age person subject to the provisions  
3 of the Compulsory School Attendance Law shall attend school  
4 for at least the length of time of the school year that is  
5 established in the school district in which the person is a  
6 resident or the state-chartered charter school in which the  
7 person is enrolled and the school district or state-chartered  
8 charter school shall not excuse a student from attending  
9 school except as provided in that law or for  
10 parent-authorized medical reasons.

11 C. Any parent of a school-age person subject to  
12 the provisions of the Compulsory School Attendance Law is  
13 responsible for the school attendance of that person.

14 D. Each local school board and each governing body  
15 of a charter school or private school shall enforce the  
16 provisions of the Compulsory School Attendance Law for  
17 students enrolled in their respective schools."

18 Section 7. Section 22-13-1 NMSA 1978 (being Laws 2003,  
19 Chapter 153, Section 57, as amended) is amended to read:

20 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS  
21 REQUIRED--ACCREDITATION.--

22 A. The department shall require public schools to  
23 address department-approved academic content and performance  
24 standards when instructing in specific department-required  
25 subject areas as provided in this section. A public school

1 or school district failing to meet these minimum requirements  
2 shall not be accredited by the department.

3 B. All kindergarten through third grade classes  
4 shall provide daily instruction in reading and language arts  
5 skills, including phonemic awareness, phonics and  
6 comprehension, and in mathematics. Students in kindergarten  
7 and first grades shall be screened and monitored for progress  
8 in reading and language arts skills and students in second  
9 grade shall take diagnostic tests on reading and language  
10 arts skills.

11 C. All first, second and third grade classes shall  
12 provide instruction in art, music and a language other than  
13 English, and instruction that meets content and performance  
14 standards shall be provided in science, social studies,  
15 physical education and health education.

16 D. In fourth through eighth grades, instruction  
17 that meets academic content and performance standards shall  
18 be provided in the following subject areas:

19 (1) reading and language arts skills, with  
20 an emphasis on writing and editing for at least one year and  
21 an emphasis on grammar and writing for at least one year;

22 (2) mathematics;

23 (3) language other than English;

24 (4) communication skills;

25 (5) science;

- 1 (6) art;
- 2 (7) music;
- 3 (8) social studies;
- 4 (9) New Mexico history;
- 5 (10) United States history;
- 6 (11) geography;
- 7 (12) physical education; and
- 8 (13) health education.

9 E. Beginning with the 2008-2009 school year, in  
10 eighth grade, algebra 1 shall be offered in regular classroom  
11 settings or through on-line courses or agreements with high  
12 schools.

13 F. In fourth through eighth grades, school  
14 districts shall offer electives that contribute to academic  
15 growth and skill development and provide career and technical  
16 education.

17 G. In ninth through twelfth grades, instruction  
18 that meets academic content and performance standards shall  
19 be provided in health education."

20 Section 8. Section 22-13-1.1 NMSA 1978 (being Laws  
21 1986, Chapter 33, Section 5, as amended by Laws 2005, Chapter  
22 314, Section 1 and by Laws 2005, Chapter 315, Section 10) is  
23 amended to read:

24 "22-13-1.1. GRADUATION REQUIREMENTS.--

25 A. At the end of grades eight through eleven, each SB 561  
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1 student shall prepare an interim next-step plan that sets  
2 forth the coursework for the grades remaining until high  
3 school graduation. Each year's plan shall explain any  
4 differences from previous interim next-step plans, shall be  
5 filed with the principal of the student's high school and  
6 shall be signed by the student, the student's parent and the  
7 student's guidance counselor or other school official charged  
8 with coursework planning for the student.

9 B. Each student must complete a final next-step  
10 plan during the senior year and prior to graduation. The  
11 plan shall be filed with the principal of the student's high  
12 school and shall be signed by the student, the student's  
13 parent and the student's guidance counselor or other school  
14 official charged with coursework planning for the student.

15 C. An individualized education program that meets  
16 the requirements of Subsections A and B of this section and  
17 that meets all applicable transition and procedural  
18 requirements of the federal Individuals with Disabilities  
19 Education Act for a student with a disability shall satisfy  
20 the next-step plan requirements of this section for that  
21 student.

22 D. A local school board shall ensure that each  
23 high school student has the opportunity to develop a  
24 next-step plan based on reports of college and workplace  
25 readiness assessments, as available, and other factors and is

1 reasonably informed about:

2 (1) curricular and course options, including  
3 honors or advanced placement courses, dual-credit courses,  
4 distance learning courses, career clusters or remediation  
5 programs that the college and workplace readiness assessments  
6 indicate to be appropriate;

7 (2) opportunities available that lead to  
8 different post-high-school options; and

9 (3) alternative opportunities available if  
10 the student does not finish a planned curriculum.

11 E. The secretary shall:

12 (1) establish specific accountability  
13 standards for administrators, counselors, teachers and school  
14 district staff to ensure that every student has the  
15 opportunity to develop a next-step plan;

16 (2) promulgate rules for accredited private  
17 schools in order to ensure substantial compliance with the  
18 provisions of this section;

19 (3) monitor compliance with the requirements  
20 of this section; and

21 (4) compile such information as is necessary  
22 to evaluate the success of next-step plans and report  
23 annually, by December 15, to the legislative education study  
24 committee and the governor.

25 F. Successful completion of a minimum of

1 twenty-three units aligned to the state academic content and  
2 performance standards shall be required for graduation.

3 These units shall be as follows:

4 (1) four units in English, with major  
5 emphasis on grammar and literature;

6 (2) three units in mathematics, at least one  
7 of which is equivalent to the algebra 1 level or higher;

8 (3) two units in science, one of which shall  
9 have a laboratory component; provided, however, that with  
10 students entering the ninth grade beginning in the 2005-2006  
11 school year, three units in science shall be required, one of  
12 which shall have a laboratory component;

13 (4) three units in social science, which  
14 shall include United States history and geography, world  
15 history and geography and government and economics;

16 (5) one unit in physical education;

17 (6) one unit in communication skills or  
18 business education, with a major emphasis on writing and  
19 speaking and that may include a language other than English;

20 (7) one-half unit in New Mexico history for  
21 students entering the ninth grade beginning in the 2005-2006  
22 school year; and

23 (8) nine elective units and seven and  
24 one-half elective units for students entering the ninth grade  
25 in the 2005-2006 school year that meet department content and

1 performance standards. Student service learning shall be  
2 offered as an elective.

3 G. For students entering the ninth grade beginning  
4 in the 2009-2010 school year, at least one of the units  
5 required for graduation shall be earned as an advanced  
6 placement or honors course, a dual-credit course offered in  
7 cooperation with an institution of higher education or a  
8 distance learning course.

9 H. The department shall establish a procedure for  
10 students to be awarded credit through completion of specified  
11 career technical education courses for certain graduation  
12 requirements.

13 I. Successful completion of the requirements of  
14 the New Mexico diploma of excellence shall be required for  
15 graduation for students entering the ninth grade beginning in  
16 the 2009-2010 school year. Successful completion of a  
17 minimum of twenty-four units aligned to the state academic  
18 content and performance standards shall be required to earn a  
19 New Mexico diploma of excellence. These units shall be as  
20 follows:

21 (1) four units in English, with major  
22 emphasis on grammar, nonfiction writing and literature;

23 (2) four units in mathematics, of which one  
24 shall be the equivalent to or higher than the level of  
25 algebra 2, unless the parent submitted written, signed



1 permission for the student to complete a lesser mathematics  
2 unit;

3 (3) three units in science, two of which  
4 shall have a laboratory component;

5 (4) three and one-half units in social  
6 science, which shall include United States history and  
7 geography, world history and geography and government and  
8 economics, and one-half unit of New Mexico history;

9 (5) one unit in physical education;

10 (6) one unit in one of the following:  
11 a career cluster course, workplace readiness or a language  
12 other than English; and

13 (7) seven and one-half elective units that  
14 meet department content and performance standards. Student  
15 service learning shall be offered as an elective.

16 J. Final examinations shall be administered to all  
17 students in all classes offered for credit.

18 K. Until July 1, 2010, a student who has not  
19 passed a state graduation examination in the subject areas of  
20 reading, English, mathematics, writing, science and social  
21 science shall not receive a high school diploma. The state  
22 graduation examination on social science shall include a  
23 section on the constitution of the United States and the  
24 constitution of New Mexico. If a student exits from the  
25 school system at the end of grade twelve without having

1 passed a state graduation examination, the student shall  
2 receive an appropriate state certificate indicating the  
3 number of credits earned and the grade completed. If within  
4 five years after a student exits from the school system the  
5 student takes and passes the state graduation examination,  
6 the student may receive a high school diploma.

7 L. Beginning with the 2010-2011 school year, a  
8 student shall not receive a New Mexico diploma of excellence  
9 if the student has not demonstrated competence in the subject  
10 areas of mathematics, reading and language arts, writing,  
11 social studies and science, including a section on the  
12 constitution of the United States and the constitution of New  
13 Mexico, based on a standards-based assessment or assessments  
14 or a portfolio of standards-based indicators established by  
15 the department by rule no later than January 15, 2008. If a  
16 student exits from the school system at the end of grade  
17 twelve without having satisfied the requirements of this  
18 subsection, the student shall receive an appropriate state  
19 certificate indicating the number of credits earned and the  
20 grade completed. If within five years after a student exits  
21 from the school system the student satisfies the requirement  
22 of this subsection, the student may receive a New Mexico  
23 diploma of excellence.

24 M. As used in this section:

25 (1) "final next-step plan" means a next-step

1 plan that shows that the student has committed or intends to  
2 commit in the near future to a four-year college or  
3 university, a two-year college, a trade or vocational  
4 program, an internship or apprenticeship, military service or  
5 a job;

6 (2) "interim next-step plan" means an annual  
7 next-step plan in which the student specifies  
8 post-high-school goals and sets forth the coursework that  
9 will allow the student to achieve those goals; and

10 (3) "next-step plan" means an annual  
11 personal written plan of studies developed by a student in a  
12 public school or other state-supported school or institution  
13 in consultation with the student's parent and school  
14 counselor or other school official charged with coursework  
15 planning for the student that includes one or more of the  
16 following:

17 (a) advanced placement or honors  
18 courses;

19 (b) dual-credit courses offered in  
20 cooperation with an institution of higher education; and

21 (c) distance learning courses.

22 N. The secretary may establish a policy to provide  
23 for administrative interpretations to clarify curricular and  
24 testing provisions of the Public School Code."

25 Section 9. Section 22-13-1.4 NMSA 1978 (being Laws

1 2005, Chapter 78, Section 1) is amended to read:

2 "22-13-1.4. HONORS OR SIMILAR CLASSES IN MATHEMATICS  
3 AND LANGUAGE ARTS--DUAL CREDIT COURSES--LANGUAGES OTHER THAN  
4 ENGLISH.--

5 A. Beginning with the 2006-2007 school year,  
6 each school district shall offer at least one honors or  
7 similar academically rigorous class each in mathematics and  
8 language arts in each high school.

9 B. Beginning in the 2008-2009 school year,  
10 each school district shall also offer a program of courses  
11 for dual-credit, in cooperation with an institution of higher  
12 education, and a program of distance learning courses.

13 C. Beginning with the 2009-2010 school year,  
14 each school district shall offer at least two years of a  
15 language other than English in each high school."

16 Section 10. A new section of the Public School Code is  
17 enacted to read:

18 "MIDDLE AND HIGH SCHOOL LITERACY INITIATIVE.--

19 A. School districts and charter schools may create  
20 comprehensive, coordinated middle and high school literacy  
21 initiatives to provide scientifically based literacy programs  
22 to improve the reading and writing proficiency of students in  
23 grades six through twelve.

24 B. The design of a middle and high school literacy  
25 initiative shall be based upon scientific research that shows

1 that using the methods and materials proposed is effective in  
2 improving reading proficiency beyond the primary grades and  
3 shall include, at a minimum:

4 (1) instruction in nonfiction writing;

5 (2) ongoing teacher and school administrator  
6 professional development equal to that which was validated in  
7 the supporting research;

8 (3) use of student assessment data to guide  
9 and individualize instruction; and

10 (4) a rigorous and thorough evaluation  
11 component.

12 C. A middle and high school literacy initiative  
13 shall also incorporate some or all of the following elements:

14 (1) direct, explicit comprehension  
15 instruction;

16 (2) teacher teams, including language arts  
17 and content area instructors who implement mutually  
18 reinforcing practices;

19 (3) strategies to encourage motivation and  
20 self-directed learning;

21 (4) text-based collaborative learning by  
22 groups of students;

23 (5) strategic tutoring;

24 (6) diverse texts;

25 (7) a technology component; and

1 (8) extended time for literacy.

2 D. School districts and charter schools that meet  
3 department eligibility requirements may apply to the  
4 department for awards from the public school reading  
5 proficiency fund for support for their middle and high school  
6 literacy initiatives. Applications shall be in a form  
7 prescribed by the department."

8 Section 11. REPEAL.--Sections 22-12-6, 22-13-9 and  
9 22-13-10 NMSA 1978 (being laws 1967, Chapter 16, Sections  
10 174, 183 and 184) are repealed.

11 Section 12. EFFECTIVE DATE.--The effective date of the  
12 provisions of this act is July 1, 2007. \_\_\_\_\_

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