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AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING SUPPLEMENTAL SERVICES FOR CERTAIN STUDENTS; REQUIRING A SLIDING-FEE SCHEDULE BASED ON EDUCATIONAL LEVELS OF 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 public school that needs improvement, the school district shall submit an improvement plan for that public school to the department. In developing the improvement plan, the local superintendent, the president of the local school board and the school principal of the public school that needs improvement shall hold a public meeting to inform parents and the public of the public school's rank. The meeting shall be used to elicit suggestions from parents and the public on how

1 to improve the public school. After the public meeting, the
2 school district shall develop the public school's improvement
3 plan, and the local school board shall approve the
4 improvement plan before it is submitted to the department.
5 The improvement plan shall be approved by the department
6 within thirty days of its submission.

7 C. The improvement plan shall include:

8 (1) documentation of performance measures in
9 which the public school failed to make adequate yearly
10 progress;

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

13 (3) benchmarks to be used to indicate
14 progress in meeting academic content and performance
15 standards;

16 (4) an estimate of the time and the
17 resources needed to achieve each objective in the improvement
18 plan;

19 (5) the support services that shall be
20 provided to students and applications for federal and state
21 funds; and

22 (6) any other information that the public
23 school that needs improvement, the local superintendent, the
24 local school board or the department deems necessary.

25 D. A public school that needs improvement may

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

15 E. If a public school fails to make adequate
16 yearly progress for two or more consecutive school years, it
17 shall provide transportation or pay the cost of
18 transportation, within available funds, for students who
19 choose to enroll in a higher ranked public school.

20 F. If a public school fails to make adequate
21 yearly progress for three or more consecutive school years,
22 it shall provide supplemental services, including
23 after-school programs, tutoring and summer services to its
24 Title I eligible students, within available funds.

25 G. The department shall adopt rules that govern

1 the priority for students for whom supplemental services
2 shall be provided and for students for whom transportation
3 costs are paid. The rules shall include the adoption of a
4 sliding-fee schedule based on the educational level of tutors
5 in New Mexico; and require that providers use a
6 pre- and post-assessment instrument approved by the
7 department to measure the gains that students achieve through
8 supplemental services.

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

- 15 (1) replace staff as allowed by law;
- 16 (2) implement a new curriculum;
- 17 (3) decrease management authority of the
18 public school;
- 19 (4) appoint an outside expert to advise the
20 public school;
- 21 (5) extend the school day or year; or
- 22 (6) change the public school's internal
23 organizational structure.

24 I. If a public school fails to make adequate
25 yearly progress for five consecutive school years, the school

1 district, in conjunction with the department, shall take one
2 or more of the following actions in addition to other
3 improvements:

4 (1) reopen the public school as a charter
5 school;

6 (2) replace all or most of the staff as
7 allowed by law;

8 (3) turn over the management of the public
9 school to the department; or

10 (4) make other governance changes.

11 J. A school district that fails to make adequate
12 yearly progress for two consecutive school years may be
13 subject to the same requirements as a public school that
14 needs improvement or the same requirements as a public school
15 subject to corrective action, as determined by the
16 department. A school district that fails to make adequate
17 yearly progress for four consecutive school years shall be
18 subject to corrective action.

19 K. The state or a school district shall not enter
20 into management contracts with private entities for the
21 management of a public school or a school district subject to
22 corrective action."