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HOUSE BILL 115

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Eleanor Chavez

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR LOCAL POLICIES AND
STATE RULES RELATED TO THE PROVISION OF SUPPLEMENTAL EDUCATION
SERVICES FOR TITLE 1-ELIGIBLE STUDENTS WHO ATTEND SCHOOLS IN
NEED OF IMPROVEMENT.

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, as amended) is amended to read:

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

A. A public school that fails to make adequate
yearly progress for two consecutive school years shall be
identified as a school in need of improvement. A school in
need of improvement shall be ranked as:

- (1) school improvement 1;

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- 1 (2) school improvement 2;
- 2 (3) corrective action;
- 3 (4) restructuring 1; or
- 4 (5) restructuring 2.

5 B. Within ninety days of being notified that a
6 public school within the school district has been identified as
7 a public school in need of improvement, the school district
8 shall submit an improvement plan for that public school to the
9 department. In developing the improvement plan, the local
10 superintendent, the president of the local school board and the
11 school principal of the public school in need of improvement
12 shall hold a public meeting to inform parents and the public of
13 the public school's rank. The meeting shall be used to elicit
14 suggestions from parents and the public on how to improve the
15 public school. After the public meeting, the school district
16 shall develop the public school's improvement plan, and the
17 local school board shall approve the improvement plan before it
18 is submitted to the department. The improvement plan shall be
19 approved by the department within thirty days of its
20 submission.

21 C. The improvement plan shall include:

22 (1) documentation of performance measures in
23 which the public school failed to make adequate yearly
24 progress;

25 (2) measurable objectives to indicate the

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1 action that will be taken to address failed measures;

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

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

6 (5) the support services that shall be
7 provided to students;

8 (6) applications that have been made for
9 federal and state funds; and

10 (7) any other information that the public
11 school that needs improvement, the local superintendent, the
12 local school board or the department deems necessary.

13 D. A public school in need of improvement may apply
14 to the department for financial or other assistance in
15 accordance with the improvement plan. The public school shall
16 make application for assistance substantially in the form
17 required by the department. The department shall evaluate
18 applications for assistance and may recommend changes to an
19 application or to an improvement plan if warranted by the final
20 application. The department shall consider innovative methods
21 to assist the public school in meeting its improvement plan,
22 including department or other school employees serving as a
23 mobile assistance team to provide administrative, classroom,
24 human resource and other assistance to the public school that
25 needs improvement as needed and as provided in applications

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1 approved by the department.

2 E. If a public school has failed to make adequate
3 yearly progress for two consecutive school years, it shall be
4 placed in school improvement 1 and shall provide transportation
5 or pay the cost of transportation, within available funds, for
6 students who choose to enroll in a higher ranked public school.

7 F. If a public school has failed to make adequate
8 yearly progress for three consecutive school years, it shall be
9 placed in school improvement 2 and shall provide supplemental
10 services, including after-school programs, tutoring and summer
11 services to its Title I-eligible students, within available
12 funds. A local school board or a governing body of a charter
13 school may adopt a policy governing whether the school's
14 teachers may be hired as tutors for the teachers' own students
15 or for students from the teachers' school.

16 G. The department shall adopt rules that govern the
17 priority for students for whom supplemental services shall be
18 provided and for students for whom transportation costs are
19 paid. The rules shall include the adoption of a sliding-fee
20 schedule based on the educational level of tutors in New Mexico
21 and the establishment of a range of rates that providers may
22 charge and the rules shall require that providers use a pre-
23 and post-assessment instrument approved by the department to
24 measure the gains that students achieve through supplemental
25 services.

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1 H. The department shall also adopt rules requiring
2 that in its application, each provider of supplemental
3 educational services include documentation, as prescribed by
4 the department, that the tutoring services to be offered are
5 consistent with the instructional program offered by the school
6 district or charter school whose students the provider intends
7 to serve. The department may consult with the school district
8 or charter school to determine whether an applicant has met
9 this requirement.

10 ~~[H.]~~ I. If a public school has failed to make
11 adequate yearly progress for four consecutive school years, it
12 shall be placed in corrective action and the school district,
13 in conjunction with the department, shall take one or more of
14 the following actions in addition 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.]~~ J. If a public school has failed to make
25 adequate yearly progress for five consecutive school years, it

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1 shall be placed in restructuring 1 and shall continue the
2 improvement measures implemented pursuant to Subsections B
3 through [H] I of this section and begin planning for
4 restructuring of the public school if it fails to make adequate
5 yearly progress in the sixth year.

6 ~~[J-]~~ K. If a public school has failed to make
7 adequate yearly progress for six consecutive years, it shall be
8 placed in restructuring 2. The school district, in conjunction
9 with the department, shall take one or more of the following
10 actions in addition to other improvements:

11 (1) recommend reopening the public school as a
12 state-chartered charter school as provided in Section 22-2C-7.1
13 NMSA 1978;

14 (2) replace all or most of the staff as
15 allowed by law;

16 (3) turn over the management of the public
17 school to the department; or

18 (4) make other governance changes.

19 ~~[K-]~~ L. A school district that has failed to make
20 adequate yearly progress for two consecutive school years may
21 be subject to the same requirements as a public school subject
22 to corrective action, as determined by the department. A
23 school district that fails to make adequate yearly progress for
24 four consecutive school years shall be subject to corrective
25 action.

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