

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

B. Within ninety days of being notified that a public school within the school district has been identified as a public school in need of 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 in need of 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 to improve the public school. After the public meeting, the school district shall develop the public school's improvement plan, and the local school board shall approve the improvement plan before it is submitted to the department. The improvement plan shall be approved by the department within thirty days of its submission.

C. The improvement plan shall include:

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

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

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

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

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

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

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

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

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

F. If a public school has failed to make adequate yearly progress for three consecutive school years, it shall be placed in school improvement 2 and shall provide supplemental services, including after-school programs, tutoring and summer services to its Title I-eligible students, within available funds.

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

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

I. If a public school has failed to make adequate yearly progress for four consecutive school years, it shall be placed in corrective action and the school district, in conjunction with the department, shall take one or more of the following actions in addition to earlier improvements:

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

J. If a public school has failed to make adequate yearly progress for five consecutive school years, it shall be placed in restructuring 1 and shall continue the improvement measures implemented pursuant to Subsections B through I of this section and begin planning for restructuring of the public school if it fails to make adequate yearly progress in the sixth year.

K. If a public school has failed to make adequate yearly progress for six consecutive years, it shall be placed in restructuring 2. The school district, in conjunction with the department, shall take one or more of the following

actions in addition to other improvements:

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

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

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

(4) make other governance changes.

L. A school district that has failed to make adequate yearly progress for two consecutive school years may be subject to the same requirements as a public school subject to corrective action, as determined by the department. A school district that fails to make adequate yearly progress for four consecutive school years shall be subject to corrective action.

M. The state, a school district or a charter school shall not enter into management contracts with private entities for the management of a public school or a school district subject to corrective action.

N. If a public school that is identified as a school in need of improvement makes adequate yearly progress in the year that it has been placed in school improvement 1, school improvement 2, corrective action or restructuring 1, it shall not move to the next school improvement rank for one

year. If the public school makes adequate yearly progress for a second consecutive year, it shall be removed from the ranks of schools in need of improvement.

O. Nothing in this section shall be construed to restrict the powers and duties of the secretary or the department under the Public School Code."