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HOUSE BILL 210

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Monica Youngblood

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING SCHOOL DISTRICTS TO DEVELOP ACADEMIC AND READING IMPROVEMENT PLANS FOR STUDENTS NOT PROFICIENT; REQUIRING PARENTAL NOTIFICATION REGARDING STUDENT PROFICIENCY; PROVIDING THE TERMS FOR STUDENT PROMOTION AND ADDITIONAL INSTRUCTION; REPEALING AND ENACTING A SECTION OF THE NMSA 1978.

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

SECTION 1. Section 22-2C-6 NMSA 1978 (being Laws 1986, Chapter 33, Section 7, as amended) is repealed and a new Section 22-2C-6 NMSA 1978 is enacted to read:

"22-2C-6. [NEW MATERIAL] PARENTAL NOTIFICATION--IMPROVEMENT PLANS--GRADE PROMOTIONS--ADDITIONAL YEAR OF INSTRUCTION.--

A. As used in this section:

.209486.3

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1 (1) "academic proficiency" means grade-level
2 proficiency, as measured by department-approved assessments, in
3 the subject-matter knowledge and skills specified in state
4 academic content and performance standards;

5 (2) "academic proficiency plan" means a
6 document, developed by a student assistance team, that:

7 (a) outlines the grade-level academic
8 standards that a student has not met;

9 (b) prescribes specific intensive
10 targeted instruction, sequenced intervention and remediation
11 methods that have demonstrated effectiveness; and

12 (c) includes the time lines, academic
13 expectations and measurements for verifying that the student
14 has overcome the deficiencies;

15 (3) "diagnostic" means a department-approved
16 and -provided tool that measures the acquisition of reading
17 skills, including phonological awareness, phonics, spelling,
18 reading fluency, vocabulary and comprehension;

19 (4) "intensive targeted instruction" means
20 extra instruction provided to small groups of students or
21 individual students during the regular school day and year and
22 includes progress monitoring;

23 (5) "reading improvement plan" means a
24 document, developed by a student assistance team, that:

25 (a) outlines the grade-level reading

1 standards that a student has not met;

2 (b) prescribes specific intensive
3 targeted instruction, sequenced intervention and remediation
4 methods that have demonstrated effectiveness; and

5 (c) includes strategies that a parent
6 may use in helping the student reach reading proficiency;

7 (6) "reading proficiency" or "proficient in
8 reading" means reading proficiency as shown by a score on a
9 diagnostic at or above the level for that measure established
10 by the department;

11 (7) "remediation" means summer school,
12 extended-day or -week programs and tutoring or another
13 research-based method for student improvement that takes place
14 outside the regular school day or year and includes progress
15 monitoring;

16 (8) "school district" or "district" includes a
17 charter school;

18 (9) "sequenced intervention" means targeted
19 instructional practices aligned with the results of a valid and
20 reliable assessment provided to small groups of students or
21 individual students that build toward reading or academic
22 proficiency;

23 (10) "student assistance team" means a group
24 consisting of a student's teacher, school administrator, parent
25 and, if desired by the student or parent, a student advocate

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1 chosen by the student or parent; and

2 (11) "valid and reliable assessment" means an
3 assessment that:

4 (a) is appropriate for a specific
5 population;

6 (b) provides predictive values; and

7 (c) is thoroughly tested, peer-reviewed
8 and accepted by authorities and practitioners in the field.

9 B. A school district shall administer a diagnostic
10 to each student in the district in any of grades kindergarten
11 through three within the first three weeks of each school year
12 or, for such a student who enters the district after that
13 period, within the first three weeks of the student's
14 enrollment in a school in the district. For English language
15 learners, the diagnostic shall be in the student's first and
16 second languages. By the end of the grading period in which
17 the student is administered the diagnostic, for each student
18 who the diagnostic indicates is not proficient in reading in
19 English or another language, the district shall:

20 (1) notify the parent in writing of the
21 student's diagnostic results;

22 (2) explain to the student's parent the
23 student's specific reading deficiencies and the intensive
24 targeted instruction, sequenced intervention and remediation
25 methods available to address those deficiencies; and

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1 (3) ensure that the student assistance team
2 develops a reading improvement plan and implements the plan
3 immediately.

4 C. Beginning with the 2018-2019 school year, and
5 except for students as described in Subsection D of this
6 section, at the end of grades kindergarten through three, grade
7 promotion decisions for each student shall be based on the
8 determination that the student is:

9 (1) proficient in reading and shall enter the
10 next highest grade;

11 (2) not proficient in reading and shall
12 participate in required remediation. If, before the beginning
13 of the next school year, the student reaches reading
14 proficiency, as measured by department-approved assessments,
15 the student shall enter the next highest grade; or

16 (3) not proficient in reading after sequenced
17 intervention and remediation, and the parent shall be offered
18 the opportunity for the student to receive an additional year
19 of instruction in the same grade with a reading improvement
20 plan different from the prior year's reading improvement plan
21 so that the student may become proficient in reading. If the
22 parent does not wish for the student to receive the additional
23 year of instruction, the parent must waive this option in
24 writing.

25 D. The grade promotion criteria outlined in

.209486.3

1 Subsection C of this section do not apply to a student:

2 (1) who scores at the fiftieth percentile or
3 higher on a department-approved, norm-referenced assessment;

4 (2) who is an English language learner and is
5 proficient in reading in a language other than English, as
6 shown by a valid and reliable reading assessment, or who has
7 received less than two years of instruction in English for
8 speakers of other languages; or

9 (3) with a disability, who instead shall be
10 assessed, promoted and offered additional instruction in
11 accordance with the student's individualized education program.

12 E. By the end of the first grading period, for each
13 student in any of grades four through eight who is not
14 academically proficient, a school district shall:

15 (1) notify the parent in writing of the
16 student's academic deficiency;

17 (2) explain to the student's parent the
18 student's specific academic deficiencies and the intensive
19 targeted instruction, sequenced intervention and remediation
20 methods available to address those deficiencies; and

21 (3) ensure that the student assistance team
22 develops an academic proficiency plan and implements the plan
23 immediately.

24 F. For a student in any of grades four through
25 eight, academic proficiency determinations, academic

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1 proficiency plans and promotion policies shall be aligned with
2 school-district-approved, valid and reliable assessment results
3 and with state standards. Beginning with the 2018-2019 school
4 year, at the end of grades four through eight, grade promotion
5 decisions for each student shall be based on the determination
6 that the student is:

7 (1) academically proficient and shall enter
8 the next highest grade;

9 (2) not academically proficient and shall
10 participate in required remediation. If, before the beginning
11 of the next school year, the student reaches academic
12 proficiency, as measured by department-approved assessments,
13 the student shall enter the next highest grade; or

14 (3) not academically proficient after
15 remediation, and the parent shall be offered the opportunity
16 for the student to receive an additional year of instruction in
17 the same grade with an academic proficiency plan different from
18 the prior year's plan so the student may become academically
19 proficient. If the parent does not wish for the student to
20 receive the additional year of instruction, the parent must
21 waive this option in writing.

22 G. A school district shall provide an alternative
23 academic program, for immediate implementation, to each student
24 in the district:

25 (1) who has been evaluated to determine the

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1 nature of the student's academic deficiencies;

2 (2) for whom a revised academic improvement
3 plan, different from the previous year's academic proficiency
4 plan, has been developed; and

5 (3) who, by the end of the school year for
6 which the revised plan was developed, fails to become
7 academically proficient, as measured by grades, performance on
8 department-approved assessments and other measures identified
9 by the district.

10 H. For each student in the district who is not
11 academically proficient for two successive school years, a
12 school district shall refer the student to a student assistance
13 team for placement in an alternative program that the district
14 shall design and file with the department.

15 I. The cost of remediation for a student in any of
16 grades nine through twelve shall be borne by the student's
17 parent unless the parent, according to department-established
18 guidelines, is indigent, in which case the school district the
19 student is in shall bear the cost.

20 J. A school district shall include in the annual
21 report required of it by Section 22-2C-11 NMSA 1978 the
22 percentage of academically proficient students in each school
23 in the district."