

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 1291

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MIMI STEWART

AN ACT

RELATING TO EDUCATION; ENACTING THE ACADEMIC STANDARDS AND RESPONSIBILITIES ACT; AMENDING SECTION 22-2-8.6 NMSA 1978 (BEING LAWS 1986, CHAPTER 33, SECTION 7, AS AMENDED).

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

Section 1. [NEW MATERIAL] SHORT TITLE. -- Sections 1 through 8 of this act may be cited as the "Academic Standards and Responsibilities Act".

Section 2. [NEW MATERIAL] PURPOSE OF ACT. -- The purpose of the Academic Standards and Responsibilities Act is to establish procedures for implementation of content standards, performance standards and benchmarks for student success.

Section 3. [NEW MATERIAL] DEFINITIONS. -- As used in the Academic Standards and Responsibilities Act:

A. "benchmarks" means statements of what students

Underscored material = new  
[bracketed material] = delete

Underscored material = new  
[bracketed material] = delete

1 should know and be able to do in a content area by the end of a  
2 designated grade or level;

3 B. "content standards" means a broad description of  
4 knowledge and skills students should acquire in a particular  
5 subject area;

6 C. "performance standards" means concrete examples  
7 and explicit definitions of what students need to know and ways  
8 to demonstrate that the students are proficient in the content  
9 standards; and

10 D. "school district in academic distress" means a  
11 school district that does not meet its targeted performance  
12 standards.

13 Section 4. [NEW MATERIAL] EDUCATIONAL STANDARDS. --

14 A. The state department of public education shall  
15 develop a results-based accountability system for implementation  
16 during the 1998-99 school year that includes:

17 (1) assessment of benchmarks, content standards  
18 and performance standards; and

19 (2) a one-year improvement plan for school  
20 districts in academic distress.

21 B. Benchmarks, content standards and performance  
22 standards established by the state board of education pursuant  
23 to Section 22-2-8 NMSA 1978 shall be evaluated by the state  
24 board of education at least once every two years by independent  
25 tests and measurements experts to determine if the assessments

Underscored material = new  
[bracketed material] = delete

1 used to measure student progress are aligned with the content  
2 standards and performance standards, and whether the benchmarks  
3 established have been accomplished. The results of this  
4 evaluation shall be reported to the legislature and shall be  
5 released to the media for publication.

6 Section 5. [NEW MATERIAL] INTERVENTION--STANDARDS. --

7 A. The state department of public education shall  
8 create a framework specifying intervention options and sanctions  
9 for school districts in academic distress. Upon failure of  
10 intervention options and sanctions the superintendent of public  
11 instruction shall take direct control of the school district or  
12 of the public school.

13 B. The state department of public education shall  
14 appoint a local oversight committee composed of teachers,  
15 administrators and community representatives. The oversight  
16 committee shall be facilitated by a representative of the state  
17 department of public education and assigned to the school  
18 district in academic distress.

19 C. The local oversight committee shall be  
20 responsible for developing an improvement plan that will bring  
21 the school district in academic distress into compliance with  
22 expected goals.

23 Section 6. [NEW MATERIAL] PUBLIC SCHOOL AND SCHOOL  
24 DISTRICT RESPONSIBILITIES. --

25 A. Beginning with the 1997-98 school year, each

Underscored material = new  
[bracketed material] = delete

1 local school board shall adopt performance standards that are  
2 aligned with the state board of education's content standards,  
3 performance standards and benchmarks and shall:

4 (1) provide community representatives and  
5 employee classroom practitioners the opportunity for direct  
6 involvement in the identification and evaluation of local  
7 results-based assessments;

8 (2) submit its assessments to an outside  
9 evaluation at least once every two years to determine the  
10 validity and reliability of the assessment process; and

11 (3) publish an evaluator's report in at least  
12 one local newspaper.

13 B. Local school boards shall identify and place a  
14 school district in academic distress on an improvement plan.  
15 The plan shall be developed with involvement of community  
16 representatives and employee classroom practitioners. The  
17 school district's deficiencies and improvement plan shall be  
18 published in at least one local newspaper by the local school  
19 board.

20 Section 7. [NEW MATERIAL] STUDENT RESPONSIBILITIES. --

21 A. A student who does not reach minimum achievement  
22 of the content standards, performance standards and benchmarks  
23 for a specific grade level as measured by teachers shall not be  
24 promoted to the next grade level until the student achieves the  
25 minimum level of proficiency.

Underscored material = new  
[bracketed material] = delete

1           B. A student less than eighteen years of age who has  
2 not achieved the minimum content standards, performance  
3 standards and benchmarks for a specific grade level as  
4 determined by teachers shall not be granted a driver's license  
5 by the motor vehicle division of the taxation and revenue  
6 department.

7           Section 8. Section 22-2-8.6 NMSA 1978 (being Laws 1986,  
8 Chapter 33, Section 7, as amended) is amended to read:

9           "22-2-8.6. ESSENTIAL COMPETENCIES--REMEDATION PROGRAMS--  
10 PROMOTION POLICIES--EXCEPTION.--

11           A. The state board shall identify measurable  
12 essential competencies and determine the criteria for mastery of  
13 the essential competencies as established in the state  
14 educational standards.

15           B. Local school boards shall develop remediation  
16 programs to provide special instructional assistance to students  
17 in grades one through eight who fail to master the essential  
18 competencies as established by the state board. Remediation  
19 programs may include but not be limited to tutoring or summer  
20 programs. The cost of school district-approved remediation  
21 programs shall be borne by the school district. Remediation  
22 plans shall be filed with the state board.

23           C. The cost of summer and after-school remediation  
24 programs offered in grades nine through twelve shall be borne by  
25 the parent or guardian; however, where parents are determined to

1 be indigent according to guidelines established by the state  
2 board, the local school board shall bear those costs.

3 D. Diagnosis of weaknesses identified by the reading  
4 assessment instrument administered pursuant to Section  
5 22-2-8.5 NMSA 1978 shall serve as a criterion in assessing the  
6 need for remedial programs or retention.

7 E. At the end of grades one through eight, there are  
8 three options available, dependent on a student's mastery of  
9 essential competencies:

10 (1) the student has mastered the essential  
11 competencies and shall enter the next higher grade;

12 (2) the student has not mastered the essential  
13 competencies and may participate in remediation. Upon  
14 certification by the school district that the student has  
15 successfully mastered his areas of deficiency, he shall enter  
16 the next higher grade; or

17 (3) the student has not mastered the essential  
18 competencies and upon the recommendation of the certified school  
19 instructor and school principal shall be retained in the same  
20 grade for no more than one school year in order to have an  
21 additional opportunity to master the essential competencies, at  
22 which time the student shall enter the next higher grade.

23 F. Any student who has participated in remediation  
24 programs pursuant to Paragraph (2) of Subsection E of this  
25 section and for whom retention is recommended shall be afforded

Underscored material = new  
~~[bracketed material] = delete~~

1 an opportunity for a parent-teacher conference for the purpose  
2 of outlining the options available for the student and  
3 explaining the grounds for the recommendation of retention. [A  
4 ~~parent or guardian who refuses to allow his child to be retained~~  
5 ~~pursuant to Paragraph (3) of Subsection E of this section shall~~  
6 ~~sign a waiver indicating that the child's promotion is against~~  
7 ~~the specific advice and recommendation of the certified school~~  
8 ~~instructor and the school principal.]~~

9 G. Any student who fails to master the essential  
10 competencies for two successive school years shall be referred  
11 to an alternative program designed by the school district.  
12 Alternative program plans shall be filed with the state board."

**State of New Mexico**  
**House of Representatives**

**FORTY-THIRD LEGISLATURE**  
**FIRST SESSION, 1997**

**March 14, 1997**

**Mr. Speaker:**

**Your EDUCATION COMMITTEE, to whom has been referred**

**HOUSE BILL 1291**

**has had it under consideration and reports same with  
recomm~~endation~~ that it DO NOT PASS, but that**

**HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 1291**

**DO PASS.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Respectfully submitted,

\_\_\_\_\_  
Samuel F. Vigil, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Beam, McSherry, Miera, Nicely, S.M Williams, Wright

Absent: None

M \H1291

Underscored material = new  
~~[bracketed material] = delete~~

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 1291

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

AN ACT

RELATING TO EDUCATION; ENACTING THE ACADEMIC STANDARDS AND  
RESPONSIBILITIES ACT; AMENDING SECTION 22-2-8.6 NMSA 1978 (BEING  
LAWS 1986, CHAPTER 33, SECTION 7, AS AMENDED).

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

Section 1. [NEW MATERIAL] SHORT TITLE. -- Sections 1  
through 7 of this act may be cited as the "Academic Standards  
and Responsibilities Act".

Section 2. [NEW MATERIAL] PURPOSE OF ACT. -- The purpose of  
the Academic Standards and Responsibilities Act is to establish  
procedures for implementation of content standards with  
benchmarks and performance standards for student success.

Section 3. [NEW MATERIAL] DEFINITIONS. -- As used in the  
Academic Standards and Responsibilities Act:

A. "benchmarks" means statements of what students  
should know and be able to do in a content area by the end of a  
designated grade or level;

B. "content standards" means a broad description of

knowledge and skills students should acquire in a particular subject area;

C. "performance standards" means concrete examples and explicit definitions of what students need to know and ways to demonstrate that the students are proficient in the content standards; and

D. "academic distress" means conditions under which a school district or school does not meet its targeted performance standards.

Section 4. [NEW MATERIAL] EDUCATIONAL STANDARDS. --

A. The state department of public education shall develop and implement a results-based accountability system for implementation that includes:

(1) assessment of content standards with benchmarks and performance standards; and

(2) a one-year improvement plan for school districts or schools in academic distress.

B. Content standards with benchmarks and performance standards established by the state board of education pursuant to Section 22-2-8 NMSA 1978 shall be evaluated by independent tests and measurement experts for the state board of education whenever content standards with benchmarks and performance standards or assessment instruments are changed. The evaluation shall be used to determine whether or not the assessment instruments used to measure student progress are aligned with the content standards with benchmarks and performance standards. The results of this evaluation shall be reported to the legislature and shall be released to the media for publication.

Section 5. [NEW MATERIAL] INTERVENTION--STANDARDS. --

A. The state department of public education shall create a framework specifying intervention options and sanctions for school districts or schools in academic distress.

1           B. Upon failure of intervention options specified by  
2 the framework, the state department of public education shall  
3 appoint a local oversight committee composed of teachers,  
4 administrators and community representatives. The oversight  
5 committee shall be facilitated by a representative of the state  
6 department of public education.

7           C. The local oversight committee shall be responsible  
8 for developing an improvement plan that will bring the school  
9 district in academic distress into compliance with expected goals.

10           D. If the superintendent of public instruction  
11 determines that the intervention options, including the local  
12 oversight committee, have failed to resolve the academic distress,  
13 then the superintendent shall take direct control of the school  
14 district or school pursuant to Section 22-2-14 NMSA 1978.

15           Section 6. [NEW MATERIAL] PUBLIC SCHOOL AND SCHOOL DISTRICT  
16 RESPONSIBILITIES. --

17           A. Local school boards shall adopt curricula that are  
18 aligned with the state board of education's content standards with  
19 benchmarks and performance standards and shall:

20                   (1) provide community representatives, employee  
21 classroom practitioners and other education personnel the  
22 opportunity for direct involvement in the identification and  
23 evaluation of local results-based assessments;

24                   (2) submit its assessments to an outside  
25 evaluation in conjunction with the state board of education's  
26 accreditation system and planning process to determine the validity  
27 and reliability of the assessment process; and

                  (3) publish an evaluator's report in at least one

1 local newspaper or in a manner approved by the state department of  
2 public education.

3 B. Upon identifying a school in academic distress the  
4 local school board shall place the school on an improvement plan.  
5 The plan shall be developed with involvement of community  
6 representatives, employee classroom practitioners and other  
7 education personnel. The school's deficiencies and improvement  
8 plan shall be made publicly available and shall be disseminated to  
9 the parents of children who attend the school in academic distress.

10 Section 7. Section 22-2-8.6 NMSA 1978 (being Laws 1986,  
11 Chapter 33, Section 7, as amended) is amended to read:

12 "22-2-8.6. [ESSENTIAL COMPETENCIES] CONTENT STANDARDS WITH  
13 BENCHMARKS AND PERFORMANCE STANDARDS-- REMEDIATION PROGRAMS--  
14 PROMOTION POLICIES-- EXCEPTION. --

15 A. The state board shall identify measurable [~~essential~~  
16 ~~competencies~~] content standards with benchmarks and performance  
17 standards and determine the criteria for mastery [~~of the essential~~  
18 ~~competencies as established in the state educational standards~~].

19 B. Local school boards shall develop remediation  
20 programs to provide special instructional assistance to students in  
21 grades one through eight who fail to master the [~~essential~~  
22 ~~competencies~~] content standards with benchmarks and performance  
23 standards as established by the state board and to provide early  
24 notification to the students' parents. Remediation programs may  
25 include but not be limited to tutoring or summer programs. The  
cost of school district-approved remediation programs shall be  
borne by the school district. Remediation plans shall be filed  
with the state board.

1 C. The cost of summer and after-school remediation  
2 programs offered in grades nine through twelve shall be borne by  
3 the parent or guardian; however, where parents are determined to be  
4 indigent according to guidelines established by the state board,  
5 the local school board shall bear those costs.

6 D. Diagnosis of weaknesses identified by the reading  
7 assessment instrument administered pursuant to Section  
8 22-2-8.5 NMSA 1978 shall serve as a criterion in assessing the need  
9 for remedial programs or retention.

10 E. At the end of grades one through eight, there are  
11 three options available, dependent on a student's mastery of  
12 ~~[essential competencies]~~ content standards with benchmarks and  
13 performance standards as measured by the teacher:

14 (1) the student has mastered the ~~[essential~~  
15 ~~competencies]~~ content standards with benchmarks and performance  
16 standards as measured by the teacher and shall enter the next  
17 higher grade;

18 (2) the student has not mastered the ~~[essential~~  
19 ~~competencies]~~ content standards with benchmarks and performance  
20 standards as measured by the teacher and may participate in  
21 remediation. Upon certification by the school district that the  
22 student has successfully mastered his areas of deficiency, he shall  
23 enter the next higher grade; or

24 (3) the student has not mastered the ~~[essential~~  
25 ~~competencies]~~ content standards with benchmarks and performance  
standards as measured by the teacher and upon the recommendation of  
the certified school instructor and school principal shall be  
retained in the same grade for no more than one school year in

1 order to have an additional opportunity to master the essential  
 2 competencies, at which time the student shall enter the next higher  
 3 grade.

4 F. Any student who has participated in remediation  
 5 programs pursuant to Paragraph (2) of Subsection E of this section  
 6 and for whom retention is recommended shall be afforded an  
 7 opportunity for a parent-teacher conference for the purpose of  
 8 outlining the options available for the student and explaining the  
 9 grounds for the recommendation of retention. [~~A parent or guardian  
 10 who refuses to allow his child to be retained pursuant to Paragraph  
 11 (3) of Subsection E of this section shall sign a waiver indicating  
 12 that the child's promotion is against the specific advice and  
 13 recommendation of the certified school instructor and the school  
 14 principal.~~]

15 G. Any student who fails to master the [~~essential~~  
 16 ~~competencies~~] content standards with benchmarks and performance  
 17 standards for two successive school years shall be referred to an  
 18 alternative program designed by the school district. Alternative  
 19 program plans shall be filed with the state board. "

20 - 15 -  
 21  
 22  
 23  
 24  
 25

Underscored material = new  
 [bracketed material] = delete