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HOUSE BILL 142

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY
Eleanor Chavez

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING THAT CERTAIN SUPPLEMENTAL SERVICES FOR CERTAIN STUDENTS BE ALIGNED WITH THE LOCAL DISTRICT'S APPROVED CURRICULUM AND THAT TUTORS BE APPROPRIATELY TRAINED TO TEACH THAT CURRICULUM; REQUIRING MINIMUM INSTRUCTIONAL TIME FOR STUDENTS.

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:

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

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

22 C. The improvement plan shall include:

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

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- 1 (2) measurable objectives to indicate the
- 2 action that will be taken to address failed measures;
- 3 (3) benchmarks to be used to indicate progress
- 4 in meeting academic content and performance standards;
- 5 (4) an estimate of the time and the resources
- 6 needed to achieve each objective in the improvement plan;
- 7 (5) the support services that shall be
- 8 provided to students;
- 9 (6) applications that have been made for
- 10 federal and state funds; and
- 11 (7) any other information that the public
- 12 school that needs improvement, the local superintendent, the
- 13 local school board or the department deems necessary.

14 D. A public school in need of improvement may apply

15 to the department for financial or other assistance in

16 accordance with the improvement plan. The public school shall

17 make application for assistance substantially in the form

18 required by the department. The department shall evaluate

19 applications for assistance and may recommend changes to an

20 application or to an improvement plan if warranted by the final

21 application. The department shall consider innovative methods

22 to assist the public school in meeting its improvement plan,

23 including department or other school employees serving as a

24 mobile assistance team to provide administrative, classroom,

25 human resource and other assistance to the public school that

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1 needs improvement as needed and as provided in applications
2 approved by the department.

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

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

14 G. All tutoring service providers funded through
15 Title I shall use a standards-based curriculum aligned with the
16 school district's approved curriculum. All tutors shall be
17 appropriately trained to teach that curriculum.

18 H. Tutoring service providers shall provide a
19 minimum of twenty-five hours of instruction to all eligible
20 students.

21 [~~G.~~] I. The department shall adopt rules that
22 govern the priority for students for whom supplemental services
23 shall be provided and for students for whom transportation
24 costs are paid. The rules shall include the adoption of a
25 sliding-fee schedule based on the educational level of tutors

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1 in New Mexico and require that providers use a pre- and post-
2 assessment instrument approved by the department to measure the
3 gains that students achieve through supplemental services.

4 ~~[H.]~~ J. If a public school has failed to make
5 adequate yearly progress for four consecutive school years, it
6 shall be placed in corrective action and the school district,
7 in conjunction with the department, shall take one or more of
8 the following actions in addition to earlier improvements:

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

18 ~~[H.]~~ K. If a public school has failed to make
19 adequate yearly progress for five consecutive school years, it
20 shall be placed in restructuring 1 and shall continue the
21 improvement measures implemented pursuant to Subsections B
22 through ~~[H]~~ J of this section and begin planning for
23 restructuring of the public school if it fails to make adequate
24 yearly progress in the sixth year.

25 ~~[J.]~~ L. If a public school has failed to make

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1 adequate yearly progress for six consecutive years, it shall be
2 placed in restructuring 2. The school district, in conjunction
3 with the department, shall take one or more of the following
4 actions in addition to other improvements:

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

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

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

12 (4) make other governance changes.

13 [~~K.~~] M. A school district that has failed to make
14 adequate yearly progress for two consecutive school years may
15 be subject to the same requirements as a public school subject
16 to corrective action, as determined by the department. A
17 school district that fails to make adequate yearly progress for
18 four consecutive school years shall be subject to corrective
19 action.

20 [~~L.~~] N. The state, a school district or a charter
21 school shall not enter into management contracts with private
22 entities for the management of a public school or a school
23 district subject to corrective action.

24 [~~M.~~] O. If a public school that is identified as a
25 school in need of improvement makes adequate yearly progress in

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1 the year that it has been placed in school improvement 1,
2 school improvement 2, corrective action or restructuring 1, it
3 shall not move to the next school improvement rank for one
4 year. If the public school makes adequate yearly progress for
5 a second consecutive year, it shall be removed from the ranks
6 of schools in need of improvement.

7 ~~[N.]~~ P. Nothing in this section shall be construed
8 to restrict the powers and duties of the secretary or the
9 department under the Public School Code."

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