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Chapter 33, Section 7, as amended) is repealed and a new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
(1) "academic proficiency" means grade-level proficiency, as measured by department-approved assessments, in the subject-matter knowledge and skills specified in state academic content and performance standards;

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

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

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

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

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

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

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

(a) outlines the grade-level reading
standards that a student has not met;

(b) prescribes specific intensive

targeted instruction, sequenced intervention and remediation

methods that have demonstrated effectiveness; and

(c) includes strategies that a parent

may use in helping the student reach reading proficiency;

(6) "reading proficiency" or "proficient in

reading" means reading proficiency as shown by a score on a
diagnostic at or above the level for that measure established

by the department;

(7) "remediation" means summer school,

extended-day or -week programs and tutoring or another

research-based method for student improvement that takes place

outside the regular school day or year and includes progress

monitoring;

(8) "school district" or "district" includes a

charter school;

(9) "sequenced intervention" means targeted

instructional practices aligned with the results of a valid and

reliable assessment provided to small groups of students or

individual students that build toward reading or academic

proficiency;

(10) "student assistance team" means a group

consisting of a student's teacher, school administrator, parent

and, if desired by the student or parent, a student advocate

.209486.3

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chosen by the student or parent; and

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

(a) is appropriate for a specific population;

(b) provides predictive values; and

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

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

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

(2) explain to the student's parent the student's specific reading deficiencies and the intensive targeted instruction, sequenced intervention and remediation methods available to address those deficiencies; and
(3) ensure that the student assistance team develops a reading improvement plan and implements the plan immediately.

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

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

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

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

D. The grade promotion criteria outlined in .209486.3
Subsection C of this section do not apply to a student:

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

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

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

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

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

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

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

F. For a student in any of grades four through eight, academic proficiency determinations, academic
proficiency plans and promotion policies shall be aligned with school-district-approved, valid and reliable assessment results and with state standards. Beginning with the 2018-2019 school year, at the end of grades four through eight, grade promotion decisions for each student shall be based on the determination that the student is:

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

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

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

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

(1) who has been evaluated to determine the
nature of the student's academic deficiencies;

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

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

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

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

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

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