



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 32

HOUSE BILL 115, as amended

Introduced by

REPRESENTATIVE ELEANOR CHAVEZ

REPRESENTATIVE RICK MIERA
REPRESENTATIVE NORA ESPINOZA
REPRESENTATIVE DENNIS J. ROCH
REPRESENTATIVE SHIRLEY A. TYLER
REPRESENTATIVE RAY BEGAYE
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REPRESENTATIVE MIMI STEWART
REPRESENTATIVE ROBERTO "BOBBY" J. GONZALES



FOR THE LEGISLATIVE EDUCATION STUDY
COMMITTEE

CHAPTER 32

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

1 superintendent, the president of the local school board and
2 the school principal of the public school in need of
3 improvement shall hold a public meeting to inform parents and
4 the public of the public school's rank. The meeting shall be
5 used to elicit suggestions from parents and the public on how
6 to improve the public school. After the public meeting, the
7 school district shall develop the public school's improvement
8 plan, and the local school board shall approve the improvement
9 plan before it is submitted to the department. The
10 improvement plan shall be approved by the department within
11 thirty days of its submission.

12 C. The improvement plan shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 actions in addition to other improvements:

2 (1) recommend reopening the public school as
3 a state-chartered charter school as provided in Section
4 22-2C-7.1 NMSA 1978;

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

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

9 (4) make other governance changes.

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

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


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

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

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

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Approved by me this 2nd day of April, 2011


SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO

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