

RETENTION AND PROMOTION LAW

HB 212 also known as the New Mexico School Reform Act is the legislation that governs Academic Improvement Plans. The law states that students not attaining academic proficiency levels must participate in academic improvement programs established by their school districts.

THE ACADEMIC IMPROVEMENT PLAN PROCESS

1. A student qualifies for an Academic Improvement Plan (AIP) based on the fact that they have ***failed to attain proficiency on a specific school district determined assessment***, designated or approved for the grade level of the student. Proficiency on the district determined assessment is the measure of adequate yearly progress (nearing proficient or better) for the student. See the chart following this section for listing of district determined assessment tools for each grade level. The district Research, Deployment and Accountability (RDA) department will provide schools with a web-based roster of AIP eligible students each fall, refreshed weekly, throughout the school year.
2. The parent must be notified and an **AIP developed before the end of the second grading period**. All schools must interpret this regulation to mean before the beginning of the mid-winter break.
3. The classroom teacher, in conjunction with the student's parent(s), develops the initial AIP. When appropriate, students should be included in this process.
4. This written initial Academic Improvement Plan must include:
 - The **specific academic deficiencies to be addressed** through remediation (as determined by the required district benchmark assessments)
 - The specific **remediation strategies/interventions** to be applied
 - **Timelines**
 - **Measurements** (progress monitoring) to be used to determine if the student overcomes the deficiencies
 - **The academic expectations** (performance criteria) to define what the attainment of proficiency will look like when the measurements are applied.
5. The classroom teacher(s) is responsible for implementing the AIP and documenting student progress. Principals are accountable to ensure that this process is being appropriately followed.
6. The classroom teacher should monitor the progress of students receiving an AIP. The school Student Assistance Team should be kept apprised of AIPs that do not result in success. SATs need to be prepared to support the teacher with recommendations for changing or improving the AIP, or consider a transition to a new level of Tiered intervention as outlined in the Response to Intervention (RTI) guidance established by the district and state.
7. If the student fails to make adequate yearly progress on the appropriate district benchmark assessment, the school Student Assistance Team (SAT) shall convene a meeting with classroom teacher and the parent to discuss student progress. If retention is to be considered parents must be notified early, in compliance with District policy regarding parental due process rights.

At the end of grades 1-7, when reviewing student progress, several scenarios may occur:

- The *student has made adequate yearly progress* and is promoted to the next higher grade **without an AIP**.

OR

- The *student has not made adequate yearly progress* and is promoted to the next higher grade **with an AIP**.

OR

- The *student has not made adequate yearly progress*, is **promoted** to the next higher grade and the student is recommended to participate in a required **summer remediation program**.

OR

- The *student has not made adequate yearly progress*, is **retained** in the same grade and the student is recommended to participate in a required **summer remediation program**. An AIP for the following school year is developed by the SAT.

If the parent refuses to allow retention, the student will be promoted to the next higher grade with an AIP. Students promoted as a result of parent refusal, and failing to make adequate progress the subsequent year, shall be retained in that grade, for no more than one school year, to have additional time to master the standards. No parental approval is necessary.

8. At the end of grade 8, a student who fails to make adequate yearly progress shall be:

- Retained in the eighth grade for no more than one year, with an AIP developed by the SAT and recommended to participate in a summer remediation program. Parental consent is not necessary for grade 8 retention.

OR

- If the SAT determines that retention in grade eight will not assist the student to make adequate progress, the team shall design a high school graduation plan (Next Step Plan recommended) to meet the student's needs for entry into the work-force or post-secondary institution. The student's receiving high school is required to participate in the development of this high school graduation plan.

For all Students:

If, at the end of two successive school years, a student on an Academic Improvement Plan (AIP) has not attained adequate yearly progress in reading and/or math content standards, the law states that the student should be referred to the Student Assistance Team for placement in an alternative program. There are a number of approved programs that operate at Tier I and Tier 2 intervention levels in the RTI paradigm.

Student Right to Privacy

Academic Improvement Plans, AIP Eligibility Lists, and the assessment data used to support them are privileged information and should be available only to those licensed APS employees directly involved in managing the plans, providing instructional services to the student, and the authorized parent or representative of the student. Dissemination beyond this constitutes an abridgement of the student's right to privacy as stipulated by federal law.

Summer Remediation Programs

The summer remediation programs are designed to provide additional intervention for students who are showing some progress in reading and/or math during the school year and for whom the school believes a summer program will help the student continue to improve. This is not a program designed to help students maintain the skills gained during the school year, but rather to help the student who has not made adequate progress to continue to make academic gains in reading and/or math.

Special Education Students

Special education students may also be eligible for an AIP and entitled to summer remediation programs. In certain situations a special education student's IEP (Individualized Education Plan) goals and interventions can serve as the AIP goals and interventions for the student. Teachers must determine if the goals and interventions of the IEP are appropriate for the AIP in reading and/or math. Parental consent must be acquired. The AIP is still created. The decision to use the IEP interventions in place of the AIP in reading and/or math must appear on the AIP form. The AIP web-based worksheet will have a drop down box to select the appropriate IEP/AIP decision. The selected decision will migrate to the web-based AIP form.

Promotion and retention decisions affecting a student receiving Special Education Services will be made in accordance with the provisions of their Individual Educational Plans (IEPs).

Special Education students who have documented significant regression should receive ***Extended School Year*** (ESY) services. A student receiving special education services may be recommended for a summer remediation program provided the program is appropriate for the student and the student is appropriate for the program. The summer remediation programs do not address specific disabilities and are not designed to be a maintenance program.

English Language Learners

English Language Learners may qualify for an AIP. It is important to be sure that the lack of student success in reading and/or math is due to academic issues not language issues. Administer the appropriate district assessment with or without accommodations. If monolingual, other than English students are unable to take the assessment the teacher must exercise professional judgment using other evidence of academic achievement. That judgment can be supported with assistance from accountability coordinators from RDA and/or assistance from Language and Cultural Equity.

NOTE: Although research does not support that retention provides students with long-term gains, the state statute specifically sets forth this possibility. It is recommended that schools do everything possible to support student achievement and meet specific instructional needs of the at risk student in order to prevent retention.

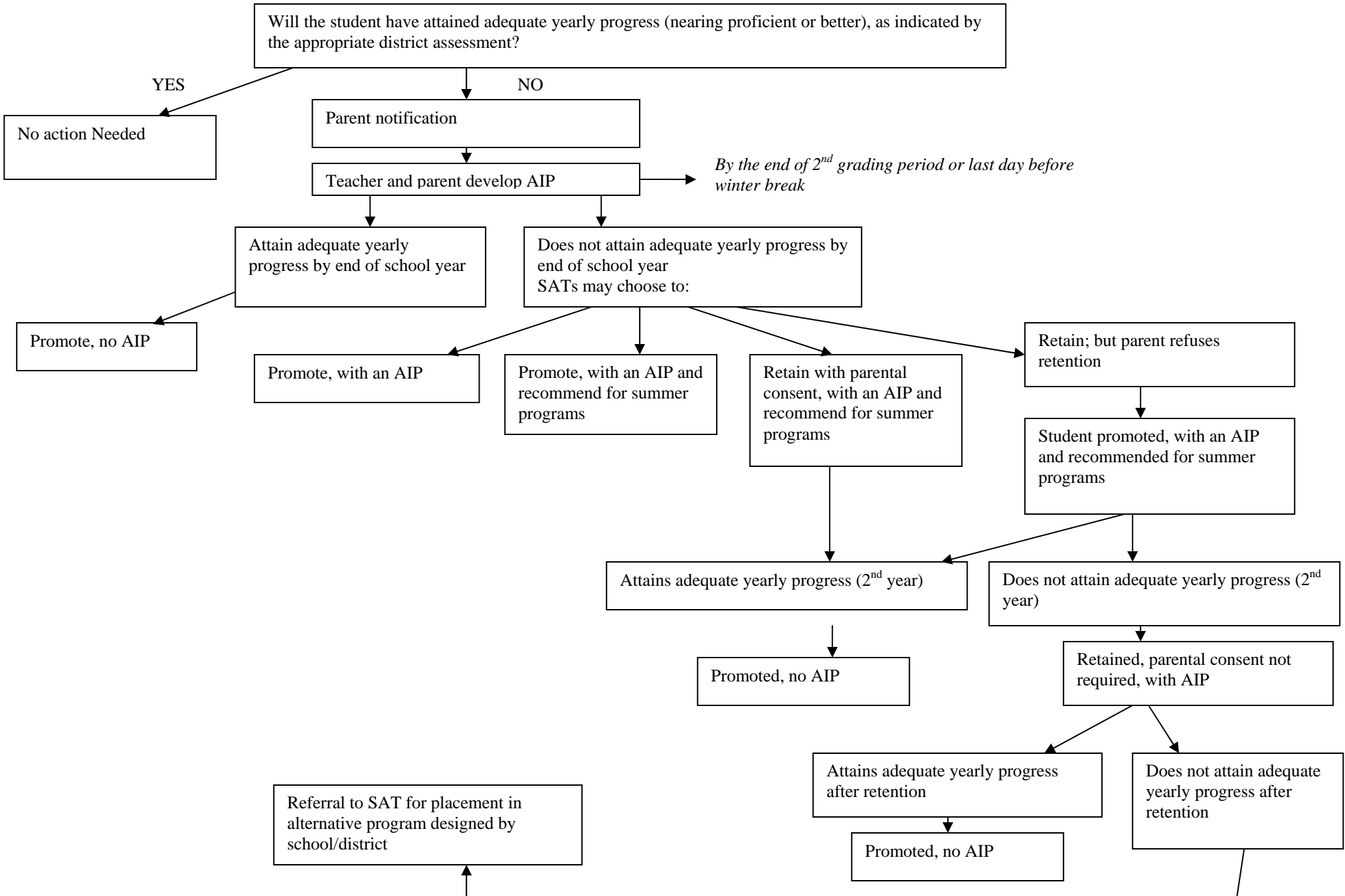
EFFECTIVE FALL, 2009-10
APS TESTING SEQUENCE FOR IDENTIFYING
ELIGIBILITY FOR AN ACADEMIC IMPROVEMENT PLAN

For a student entering this grade this current year	Failure to meet <i>proficiency</i> on these prior Spring assessments	Generates eligibility for an Academic Improvement Plan for the current year in	In the absence of Spring scores eligibility may be confirmed by the Fall administration of:
1st		Reading Math	DRA2/EDL District Benchmark Assessment
2nd	DRA2/EDL District Benchmark Assessment	Reading Math	DRA2/EDL District Benchmark Assessment
3rd	DRA2/EDL District Benchmark Assessment	Reading Math	DRA2/EDL District Benchmark Assessment
4th	DRA2/EDL District Benchmark Assessment	Reading Math	District Benchmark Assessment
5th	District Benchmark Assessment	Reading Math	District Benchmark Assessment
6th	District Benchmark Assessment	Reading Math	District Benchmark Assessment
7th	District Benchmark Assessment	Reading Math	District Benchmark Assessment
8th	District Benchmark Assessment	Reading Math	District Benchmark Assessment

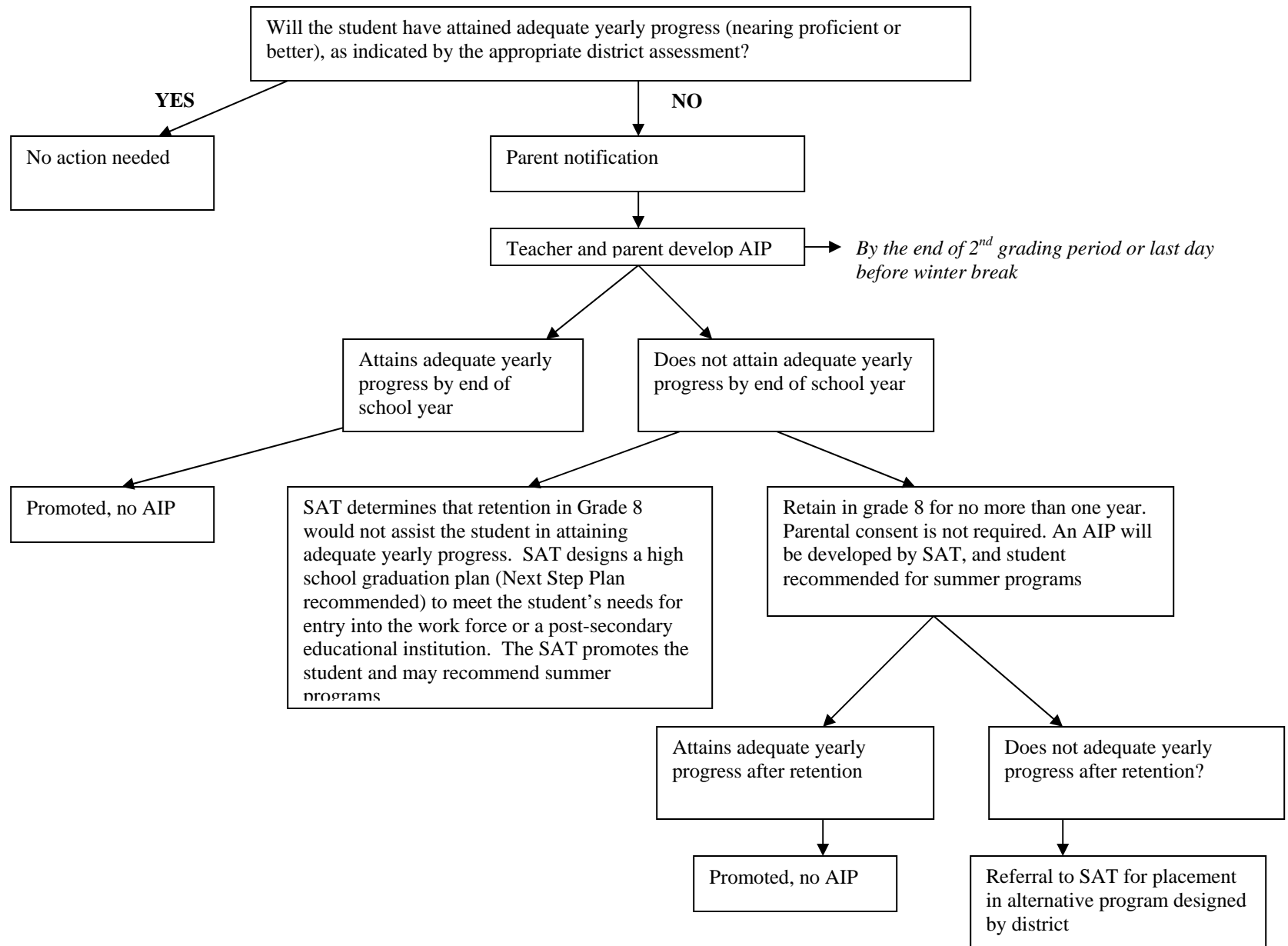
The District Benchmark Assessment math tests are offered in Spanish and English. There is only an English version of the reading test. Non English speaking students who are not able to participate in the District Benchmark Assessment testing with accommodations or who do not have an achievement test score from the previous school year will require the professional judgment of the teacher taking in other evidence of academic achievement to determine AIP eligibility. That judgment can be supported with assistance from accountability coordinators from RDA and/or assistance from Language and Cultural Equity.

New students entering the system or students without spring scores may be tested in the fall with the approved, district benchmark assessment for that grade level, to determine eligibility for an AIP.

AIP and Promotion/Retention Procedures Grades 1-7



AIP and Promotion/Retention Procedures Grade 8



AIP/Testing Timeline 2009-10 School Year

Spring Testing, previous year	Schools assess students using District mandated assessments
September	AIP eligible students are posted on RDA AIP Website.
September to Winter Break	AIPs are written on-line and implemented for eligible students.
September 21 – October 2	DBA in Math and Reading grades 6 – 8 DBA in Math and English grades 9 - 12
October 5 – November 4	Developmental Reading Assessment (DRA2/EDL) <i>(Deadline for entering data on-line November 11)</i>
October 12 – October 23	DBA in Math grades 1 - 2 DBA in Math and Reading grades 3 – 5
January 25 – February 26 January 15 – February 26	NMELPA grades K - 5 NMELPA grades 6 – 12
January 25 – February 5	DBA in Math and Reading grades 6 – 8 DBA in Math and English grades 9 - 12
January 25 – February 24	Developmental Reading Assessment (DRA2/EDL) <i>(Deadline for entering data on-line February 26)</i>
February 8 – February 19	DBA in Math grades 1 - 2 DBA in Math and Reading grades 3 – 5
March 22 – April 23	Standards Based Assessment
April 12 – May 14	Developmental Reading Assessment (DRA2/EDL) <i>(Deadline for entering data on-line May 21)</i>
May 3 – May 14	DBA in Math grades 1 - 2 DBA in Math and Reading grades 3 – 5 DBA in Math and Reading grades 6 – 8 DBA in Math and English grades 9 - 12
May 28	SAT End of Year Decision Making Completed
September Year following	AIP eligible students are posted on RDA AIP Website.