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HOUSE BILL 75

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

BARBARA A. PEREA CASEY

AN ACT

RELATING TO EDUCATION; SPECIFYING PROMOTION AND REMEDIATION
POLICIES IN PUBLIC SCHOOLS; AMENDING A SECTION OF THE PUBLIC
SCHOOL CODE.

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

Section 1. Section 22-2-8.6 NMSA 1978 (being Laws 1986,
Chapter 33, Section 7, as amended) is amended to read:

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

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

B. Local school boards shall develop remediation
programs to provide special instructional assistance to students

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1 in grades one through eight who fail to master the essential
2 competencies as established by the state board. Remediation
3 programs may include but not be limited to tutoring or summer
4 programs. The cost of school district-approved remediation
5 programs shall be borne by the school district. Remediation
6 plans shall be filed with the state board.

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

12 D. Diagnosis of weaknesses identified by the reading
13 assessment instrument administered pursuant to Section
14 22-2-8.5 NMSA 1978 shall serve as a criterion in assessing the
15 need for remedial programs or retention.

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

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

21 (2) the student has not mastered the essential
22 competencies and may participate in remediation. Prior to
23 beginning a remediation program, a contract shall be drawn up
24 between the principal, teacher, student and student's parent or
25 legal guardian regarding successful completion of the

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1 remediation program. Upon certification by the school district
2 that the student has successfully mastered his areas of
3 deficiency, he shall enter the next higher grade; or

4 (3) the student has not mastered the essential
5 competencies after participation in a remediation program and
6 upon the recommendation of [~~the certified school instructor and~~
7 ~~school principal~~] an advisory committee composed of the
8 student's certified school instructor, a school counselor, if
9 available, the school principal and the student's parent or
10 legal guardian, shall be retained in the same grade for no more
11 than one school year in order to have an additional opportunity
12 to master the essential competencies, at which time the student
13 shall enter the next higher grade.

14 F. In making a recommendation for retention or
15 promotion, the advisory committee shall consider information
16 regarding a student's cultural, linguistic and socioeconomic
17 background. The advisory committee shall also consider the
18 results of the standards assessments used by the school district
19 to evaluate student performance, as well as other measurements
20 and evidence of a student's abilities. If the advisory
21 committee cannot reach consensus regarding the student's
22 retention or promotion, the school district superintendent or
23 his designee, in collaboration with the student and the
24 student's parent or legal guardian, shall make a final decision
25 based upon the best interests of the student and available

State of New Mexico House of Representatives

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

January 23, 1996

Mr. Speaker:

Your RULES AND ORDER OF BUSINESS COMMITTEE, to
whom has been referred

HOUSE BILL 75

has had it under consideration and finds same to be
GERMANE in accordance with constitutional provisions.

Respectfully submitted,

Barbara A. Perea Casey,

Chairperson

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

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4 The roll call vote was 8 For 0 Against

5 Yes: 8

6 Excused: Lujan, Olguin, Pederson, Ryan, Taylor, Wallach,

7 S. Williams

8 Absent: None

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