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HOUSE BILL 160

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

RICHARD T. KNOWLES

AN ACT

RELATING TO PUBLIC SCHOOLS; REMOVING THE PROVISION FOR PARENTAL  
WAIVER OF STUDENT RETENTION.

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--REMEDIATION 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  
in grades one through eight who fail to master the essential

Underscored material = new  
[bracketed material] = delete

1 competencies as established by the state board. Remediation  
2 programs may include but not be limited to tutoring or summer  
3 programs. The cost of school district-approved remediation  
4 programs shall be borne by the school district. Remediation  
5 plans shall be filed with the state board.

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

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

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

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

20 (2) the student has not mastered the essential  
21 competencies and may participate in remediation. Upon  
22 certification by the school district that the student has  
23 successfully mastered his areas of deficiency, he shall enter  
24 the next higher grade; or

25 (3) the student has not mastered the essential

Underscored material = new  
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1 competencies and upon the recommendation of the certified school  
2 instructor and school principal shall be retained in the same  
3 grade for no more than one school year in order to have an  
4 additional opportunity to master the essential competencies, at  
5 which time the student shall enter the next higher grade.

6 F. Any student who has participated in remediation  
7 programs pursuant to Paragraph (2) of Subsection E of this  
8 section and for whom retention is recommended shall be afforded  
9 an opportunity for a parent-teacher conference for the purpose  
10 of outlining the options available for the student and  
11 explaining the grounds for the recommendation of retention. [A  
12 ~~parent or guardian who refuses to allow his child to be retained~~  
13 ~~pursuant to Paragraph (3) of Subsection E of this section shall~~  
14 ~~sign a waiver indicating that the child's promotion is against~~  
15 ~~the specific advice and recommendation of the certified school~~  
16 ~~instructor and the school principal.]~~

17 G. Any student who fails to master the essential  
18 competencies for two successive school years shall be referred  
19 to an alternative program designed by the school district.  
20 Alternative program plans shall be filed with the state board."

21 Section 2. APPLICABILITY. -- The provisions of this act  
22 apply to the 1997-1998 and subsequent school years.

**State of New Mexico**  
**House of Representatives**

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4 FORTY-THIRD LEGISLATURE  
5 FIRST SESSION, 1997  
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8 February 10, 1997  
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11 Mr. Speaker:  
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13 Your EDUCATION COMMITTEE, to whom has been referred  
14

15 HOUSE BILL 160  
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17 has had it under consideration and reports same with  
18 recommendation that it DO PASS, amended as follows:

19 1. On page 2, line 1 after "board" insert "and to provide  
20 early notification to the students' parents".,

21  
22 and thence referred to the APPROPRIATIONS AND FINANCE  
23 COMMITTEE.  
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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Respectfully submitted,

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Samuel F. Vigil, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 2 Against

Yes: 9

No: Trujillo, S.M Williams

Excused: Nicely, Wright

Absent: None

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[bracketed material] = delete