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HOUSE BILL 439

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

EARLENE ROBERTS

AN ACT

RELATING TO EDUCATION; AMENDING A SECTION OF THE PUBLIC SCHOOL
CODE PERTAINING TO ESSENTIAL COMPETENCIES, REMEDIATION AND
SCHOOL PROMOTION POLICIES.

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

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1 students in grades one through eight who fail to master the
2 essential competencies [as] established by the state board and
3 to provide early notification to students' parents.

4 Remediation programs may include but not be limited to
5 tutoring or summer programs. The cost of school district-
6 approved remediation programs shall be borne by the school
7 district. Remediation plans shall be filed with the state
8 board.

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

15 D. Diagnosis of weaknesses identified by the
16 reading assessment instrument administered pursuant to Section
17 22-2-8.5 NMSA 1978 shall serve as a criterion in assessing the
18 need for remedial programs or retention.

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

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

24 (2) the student has not mastered the
25 essential competencies and may participate in remediation.

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

4 (3) the student has not mastered the
5 essential competencies and upon the recommendation of the
6 certified school instructor and school principal shall be
7 retained in the same grade for no more than one school year in
8 order to have an additional opportunity to master the
9 essential competencies, at which time the student shall enter
10 the next higher grade.

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

23 G. Any student who fails to master the essential
24 competencies for two successive school years shall be referred
25 to an alternative program designed by the school district.

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1 Alternative program plans shall be filed with the state
2 board. "

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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

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6 February 16, 1998

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8 Mr. Speaker:

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10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 HOUSE BILL 439

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16 1. On page 1, line 12, strike "ESSENTIAL COMPETENCIES"
17 and insert in lieu thereof "ACADEMIC STANDARDS".

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19 2. On page 1, line 18, strike "ESSENTIAL COMPETENCIES"
20 and insert in lieu thereof "ACADEMIC STANDARDS".

21
22 3. On page 1, line 21, strike "essential competencies"
23 and insert in lieu thereof "academic standards".

24 4. On page 1, line 21, strike "mastery" and insert in
25 lieu thereof "attainment".

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

3^{HB} 439

Page 6

4 5. On page 1, line 22, strike "essential competencies"
5 and insert in lieu thereof "academic standards".

6
7 6. On page 2, line 1, strike "master" and insert in lieu
8 thereof "attain".

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10 7. On page 2, line 2, strike "essential competencies" and
11 insert in lieu thereof "academic standards".

12 8. On page 2, line 20, strike "mastery" and insert in
13 lieu thereof "attainment".

14
15 9. On page 2, line 21, strike "essential competencies"
16 and insert in lieu thereof "academic standards".

17 10. On page 2, line 22, strike "mastered" and insert in
18 lieu thereof "attained".

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20 11. On page 2, lines 22 and 23, strike "essential
21 competencies" and insert in lieu thereof "academic standards".

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23 12. On page 2, line 24, strike "mastered" and insert in
24 lieu thereof "attained".

25 13. On page 2, line 25, strike "essential competencies"

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HB 439

Page 7

4 and insert in lieu thereof "academic standards".

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6 14. On page 3, line 2, strike "mastered" and insert in
7 lieu thereof "attained".

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9 15. On page 3, line 4, strike "mastered" and insert in
10 lieu thereof "attained".

11 16. On page 3, line 5, strike "essential competencies"
12 and insert in lieu thereof "academic standards".

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14 17. On page 3, line 8, strike "master" and insert in lieu
15 thereof "attain".

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17 18. On page 3, line 9, strike "essential competencies"
18 and insert in lieu thereof "academic standards".

19 19. On page 3, line 23, strike "master" and insert in
20 lieu thereof "attain".

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22 20. On page 3, lines 23 and 24, strike "essential
23 competencies" and insert in lieu thereof "academic standards".

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HB 439

Page 8

4 Respectfully submitted,
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10 Rick Miera, Chairman
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12 Adopted _____ Not Adopted _____
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14 (Chief Clerk)

(Chief Clerk)

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16 Date _____
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18 The roll call vote was 4 For 3 Against

19 Yes: 4

20 No: Trujillo-Knauer, S. M. Williams, Gonzales

21 Excused: Beam, Miera, Nicely, Vigil, Weeks, Wright

22 Absent: None
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