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NEWS RELEASE

For Immediate Release: November 4, 2009

Public Hearing Set for PED Rule That Ties 8th Grade Student Proficiency and 9th Grade School Attendance to New Mexico Driving Instruction Permits

SANTA FE – The Public Education Department will conduct a public hearing at Mabry Hall, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico, 87501-2786, on December 14, 2009, from 10 a.m. to 12:00 p.m. The Department is canceling the previously noticed public hearing that was scheduled for November 18, 2009.

The purpose of the rescheduled public hearing will be to obtain input on the PED rule that ties a student’s academic proficiency in math and reading and school attendance to whether that student may receive a New Mexico driving instruction permit. The related New Mexico Motor Vehicle Division (MVD) rule can be found at: <http://www.nmcpr.state.nm.us/nmac/parts/title18/18.019.0005.pdf> The applicable language pertaining to students receiving driving instruction permit is contained in Section 18.19.5.118 (“Instruction Permit”) on pages 19 and 20 of the MVD rule.

Under the MVD’s rule, driving instruction permits can be requested between the ages 15 through 17. Although this rule will go into effect on December 31, 2009, the requirements for meeting proficiency and attendance will only apply to those minors submitting applications to the MVD for driving instruction permits on or after September 1, 2011.

However, because the proposed rule looks at academic proficiency in the 8th grade, this requirement could apply to students who are currently in the 8th grade during the 2009-2010 school year and who later request a driving instruction permit on or after September 1, 2011. Additionally, because the rule also requires meeting a 90% attendance rate in the 9th grade, this requirement will first apply to students in the 9th grade in the 2010-2011 school year who then request a driving instruction permit on or after September 1, 2011.

To repeat, this proposed rule does not apply to any minor student requesting an instruction permit at any time prior to September 1, 2011. The proposed rule describes how proficiency and attendance can be demonstrated and verified.

Proposed Rule Number	Proposed Rule Name	Proposed Action
6.30.11 NMAC	ACADEMIC PROFICIENCY AND ATTENDANCE TIED TO INSTRUCTION PERMITS	Adopt new rule to establish requirements effective on 9/1/2011 for demonstrating 8th grade math & reading proficiency and meeting school attendance standards prior to receiving an MVD driving instruction permit.

Interested individuals may testify at the public hearing and/or submit written comments regarding the proposed rulemaking to Willie Brown, Office of General Counsel, Public Education Department, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786; email: (Willie.Brown1@state.nm.us) (505) 827-6641 (telefax (505) 827-6681).

Written comments must be received no later than 5:00 pm on December 14, 2009. However, the submission of written comments as soon as possible is encouraged.

The proposed rule may be accessed on the Department's website (<http://ped.state.nm.us/>) or obtained from Willie Brown, Office of General Counsel, Public Education Department, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786 (Willie.Brown1@state.nm.us) (505) 827-6641 (telefax (505) 827-6681). The proposed rule will be made available at least thirty days prior to the hearing.

INDIVIDUALS WITH DISABILITIES WHO REQUIRE THIS INFORMATION IN AN ALTERNATIVE FORMAT OR NEED ANY FORM OF AUXILIARY AID TO ATTEND OR PARTICIPATE IN THE PUBLIC HEARING ARE ASKED TO CONTACT WILLIE BROWN AS SOON AS POSSIBLE, AT (505) 827-6641). THE DEPARTMENT REQUESTS AT LEAST TEN (10) DAYS ADVANCE NOTICE TO PROVIDE REQUESTED SPECIAL ACCOMMODATIONS.

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