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HOUSE BILL 92

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

David M. Gallegos

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING ALL LICENSED SCHOOL
EMPLOYEES TO BE TRAINED IN DETECTING AND REPORTING CHILD SEXUAL
ABUSE AND ASSAULT AND IN ASSISTING IN AWARENESS AND PREVENTION;
REQUIRING HEALTH EDUCATION INSTRUCTION TO INCLUDE AGE-
APPROPRIATE SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION
TRAINING.

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

SECTION 1. Section 22-10A-32 NMSA 1978 (being Laws 1988,
Chapter 48, Section 1, as amended) is amended to read:

"22-10A-32. LICENSED SCHOOL EMPLOYEES--REQUIRED TRAINING
PROGRAM.--

A. All licensed school employees shall be required
to complete training in the detection and reporting of child
abuse and neglect, including sexual abuse and assault, and

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1 substance abuse. This requirement shall be completed within
2 the licensed school employee's first year of employment by a
3 school district.

4 B. ~~[Pursuant to the policy and rules adopted by the~~
5 ~~state board]~~ The department shall develop a training program,
6 including training materials and necessary training staff, to
7 meet the requirement of Subsection A of this section to make
8 the training available in every school district. The
9 department shall coordinate the development of the program with
10 appropriate staff at the human services department and the
11 department of health.

12 C. The training program developed pursuant to this
13 section shall be made available by the department to the deans
14 of every college of education in New Mexico for use in
15 providing such training to students seeking elementary and
16 secondary education licensure."

17 SECTION 2. Section 22-13-1 NMSA 1978 (being Laws 2003,
18 Chapter 153, Section 57, as amended) is amended to read:

19 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
20 REQUIRED--ACCREDITATION.--

21 A. The department shall require public schools to
22 address department-approved academic content and performance
23 standards when instructing in specific department-required
24 subject areas as provided in this section. A public school or
25 school district failing to meet these minimum requirements

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1 shall not be accredited by the department.

2 B. All kindergarten through third grade classes
3 shall provide daily instruction in reading and language arts
4 skills, including phonemic awareness, phonics and
5 comprehension, and in mathematics. Students in kindergarten
6 and first grades shall be screened and monitored for progress
7 in reading and language arts skills, and students in second
8 grade shall take diagnostic tests on reading and language arts
9 skills.

10 C. All first, second and third grade classes shall
11 provide instruction in art, music and a language other than
12 English, and instruction that meets content and performance
13 standards shall be provided in science, social studies,
14 physical education and health education.

15 D. In fourth through eighth grades, instruction
16 that meets academic content and performance standards shall be
17 provided in the following subject areas:

18 (1) reading and language arts skills, with an
19 emphasis on writing and editing for at least one year and an
20 emphasis on grammar and writing for at least one year;

21 (2) mathematics;

22 (3) language other than English;

23 (4) communication skills;

24 (5) science;

25 (6) art;

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- 1 (7) music;
- 2 (8) social studies;
- 3 (9) New Mexico history;
- 4 (10) United States history;
- 5 (11) geography;
- 6 (12) physical education; and
- 7 (13) health education.

8 E. Beginning with the 2008-2009 school year, in
9 eighth grade, algebra 1 shall be offered in regular classroom
10 settings or through online courses or agreements with high
11 schools.

12 F. In fourth through eighth grades, school
13 districts shall offer electives that contribute to academic
14 growth and skill development and provide career and technical
15 education. In sixth through eighth grades, media literacy may
16 be offered as an elective.

17 G. In ninth through twelfth grades, instruction
18 that meets academic content and performance standards shall be
19 provided in health education.

20 H. All health education courses shall include age-
21 appropriate sexual abuse and assault awareness and prevention
22 training."

23 SECTION 3. Section 22-13-1.1 NMSA 1978 (being Laws 1986,
24 Chapter 33, Section 5, as amended by Laws 2010, Chapter 25,
25 Section 1 and by Laws 2010, Chapter 110, Section 1) is amended
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1 to read:

2 "22-13-1.1. GRADUATION REQUIREMENTS.--

3 A. At the end of grades eight through eleven, each
4 student shall prepare an interim next-step plan that sets forth
5 the coursework for the grades remaining until high school
6 graduation. Each year's plan shall explain any differences
7 from previous interim next-step plans, shall be filed with the
8 principal of the student's high school and shall be signed by
9 the student, the student's parent and the student's guidance
10 counselor or other school official charged with coursework
11 planning for the student.

12 B. Each student must complete a final next-step
13 plan during the senior year and prior to graduation. The plan
14 shall be filed with the principal of the student's high school
15 and shall be signed by the student, the student's parent and
16 the student's guidance counselor or other school official
17 charged with coursework planning for the student.

18 C. An individualized education program that meets
19 the requirements of Subsections A and B of this section and
20 that meets all applicable transition and procedural
21 requirements of the federal Individuals with Disabilities
22 Education Act for a student with a disability shall satisfy the
23 next-step plan requirements of this section for that student.

24 D. A local school board shall ensure that each high
25 school student has the opportunity to develop a next-step plan

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1 based on reports of college and workplace readiness
2 assessments, as available, and other factors and is reasonably
3 informed about:

4 (1) curricular and course options, including
5 honors or advanced placement courses, dual-credit courses,
6 distance learning courses, career clusters, pre-apprenticeship
7 programs or remediation programs that the college and workplace
8 readiness assessments indicate to be appropriate;

9 (2) opportunities available that lead to
10 different post-high-school options; and

11 (3) alternative opportunities available if the
12 student does not finish a planned curriculum.

13 E. The secretary shall:

14 (1) establish specific accountability
15 standards for administrators, counselors, teachers and school
16 district staff to ensure that every student has the opportunity
17 to develop a next-step plan;

18 (2) promulgate rules for accredited private
19 schools in order to ensure substantial compliance with the
20 provisions of this section;

21 (3) monitor compliance with the requirements
22 of this section; and

23 (4) compile such information as is necessary
24 to evaluate the success of next-step plans and report annually,
25 by December 15, to the legislative education study committee

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1 and the governor.

2 F. Successful completion of a minimum of twenty-
3 three units aligned to the state academic content and
4 performance standards shall be required for graduation. These
5 units shall be as follows:

6 (1) four units in English, with major emphasis
7 on grammar and literature;

8 (2) three units in mathematics, at least one
9 of which is equivalent to the algebra 1 level or higher;

10 (3) two units in science, one of which shall
11 have a laboratory component; provided, however, that with
12 students entering the ninth grade beginning in the 2005-2006
13 school year, three units in science shall be required, one of
14 which shall have a laboratory component;

15 (4) three units in social science, which shall
16 include United States history and geography, world history and
17 geography and government and economics;

18 (5) one unit in physical education;

19 (6) one unit in communication skills or
20 business education, with a major emphasis on writing and
21 speaking and that may include a language other than English;

22 (7) one-half unit in New Mexico history for
23 students entering the ninth grade beginning in the 2005-2006
24 school year; and

25 (8) nine elective units and seven and

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1 one-half elective units for students entering the ninth grade
2 in the 2005-2006 school year that meet department content and
3 performance standards. Student service learning shall be
4 offered as an elective. Financial literacy shall be offered as
5 an elective. Pre-apprenticeship programs may be offered as
6 electives. Media literacy may be offered as an elective.

7 G. For students entering the ninth grade beginning
8 in the 2009-2010 school year, at least one of the units
9 required for graduation shall be earned as an advanced
10 placement or honors course, a dual-credit course offered in
11 cooperation with an institution of higher education or a
12 distance learning course.

13 H. The department shall establish a procedure for
14 students to be awarded credit through completion of specified
15 career technical education courses for certain graduation
16 requirements.

17 I. Successful completion of the requirements of the
18 New Mexico diploma of excellence shall be required for
19 graduation for students entering the ninth grade beginning in
20 the 2009-2010 school year. Successful completion of a minimum
21 of twenty-four units aligned to the state academic content and
22 performance standards shall be required to earn a New Mexico
23 diploma of excellence. These units shall be as follows:

24 (1) four units in English, with major emphasis
25 on grammar, nonfiction writing and literature;

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1 (2) four units in mathematics, of which one
2 shall be the equivalent to or higher than the level of algebra
3 2, unless the parent submitted written, signed permission for
4 the student to complete a lesser mathematics unit; and provided
5 that a financial literacy course that meets state mathematics
6 academic content and performance standards shall qualify as one
7 of the four required mathematics units;

8 (3) three units in science, two of which shall
9 have a laboratory component;

10 (4) three and one-half units in social
11 science, which shall include United States history and
12 geography, world history and geography, government and
13 economics and one-half unit of New Mexico history;

14 (5) one unit in physical education;

15 (6) one unit in one of the following:

16 a career cluster course, workplace readiness or a language
17 other than English; and

18 (7) seven and one-half elective units that
19 meet department content and performance standards. Student
20 service learning shall be offered as an elective. Financial
21 literacy shall be offered as an elective. Pre-apprenticeship
22 programs may be offered as electives. Media literacy may be
23 offered as an elective.

24 J. For students entering the eighth grade in the
25 2012-2013 school year, a course in health education is required

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1 prior to graduation. Health education may be required in
2 either middle school or high school, as determined by the
3 school district. Each school district shall submit to the
4 department by the beginning of the 2011-2012 school year a
5 health education implementation plan for the 2012-2013 and
6 subsequent school years, including in which grade health
7 education will be required and how the course aligns with
8 department content and performance standards. Health education
9 shall include age-appropriate sexual abuse and assault
10 awareness and prevention training.

11 K. Final examinations shall be administered to all
12 students in all classes offered for credit.

13 L. Until July 1, 2010, a student who has not passed
14 a state graduation examination in the subject areas of reading,
15 English, mathematics, writing, science and social science shall
16 not receive a high school diploma. The state graduation
17 examination on social science shall include a section on the
18 constitution of the United States and the constitution of New
19 Mexico. If a student exits from the school system at the end
20 of grade twelve without having passed a state graduation
21 examination, the student shall receive an appropriate state
22 certificate indicating the number of credits earned and the
23 grade completed. If within five years after a student exits
24 from the school system the student takes and passes the state
25 graduation examination, the student may receive a high school

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1 diploma. Any student passing the state graduation examination
2 and completing all other requirements within five years of
3 entering ninth grade, including a final summer session if
4 completed by August 1, may be counted by the school system in
5 which the student is enrolled as a high school graduate for the
6 year in which completion and examination occur.

7 M. Beginning with the 2010-2011 school year, a
8 student shall not receive a New Mexico diploma of excellence if
9 the student has not demonstrated competence in the subject
10 areas of mathematics, reading and language arts, writing,
11 social studies and science, including a section on the
12 constitution of the United States and the constitution of New
13 Mexico, based on a standards-based assessment or assessments or
14 a portfolio of standards-based indicators established by the
15 department by rule. The standards-based assessments required
16 in Section 22-2C-4 NMSA 1978 may also serve as the assessment
17 required for high school graduation. If a student exits from
18 the school system at the end of grade twelve without having
19 satisfied the requirements of this subsection, the student
20 shall receive an appropriate state certificate indicating the
21 number of credits earned and the grade completed. If within
22 five years after a student exits from the school system the
23 student satisfies the requirement of this subsection, the
24 student may receive a New Mexico diploma of excellence. Any
25 student satisfying the requirements of this subsection and

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1 completing all other requirements within five years of entering
2 ninth grade, including a final summer session if completed by
3 August 1, may be counted by the school system in which the
4 student is enrolled as a high school graduate for the year in
5 which all requirements are satisfied.

6 N. As used in this section:

7 (1) "final next-step plan" means a next-step
8 plan that shows that the student has committed or intends to
9 commit in the near future to a four-year college or university,
10 a two-year college, a trade or vocational program, an
11 internship or apprenticeship, military service or a job;

12 (2) "interim next-step plan" means an annual
13 next-step plan in which the student specifies post-high-school
14 goals and sets forth the coursework that will allow the student
15 to achieve those goals; and

16 (3) "next-step plan" means an annual personal
17 written plan of studies developed by a student in a public
18 school or other state-supported school or institution in
19 consultation with the student's parent and school counselor or
20 other school official charged with coursework planning for the
21 student that includes one or more of the following:

22 (a) advanced placement or honors
23 courses;

24 (b) dual-credit courses offered in
25 cooperation with an institution of higher education;

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- (c) distance learning courses;
- (d) career-technical courses; and
- (e) pre-apprenticeship programs.

0. The secretary may establish a policy to provide for administrative interpretations to clarify curricular and testing provisions of the Public School Code."

SECTION 4. APPLICABILITY.--The provisions of this act apply to the 2014-2015 school year and subsequent school years.