

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 92 & 101

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

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. Except as otherwise provided in this
2 subsection, this requirement shall be completed within the
3 licensed school employee's first year of employment by a school
4 district. Licensed school employees hired prior to the 2014-
5 2015 school year shall complete the sexual abuse and assault
6 component of the required training during the 2014-2015 school
7 year.

8 B. [~~Pursuant to the policy and rules adopted by the~~
9 ~~state board~~] The department shall develop a training program,
10 including training materials and necessary training staff, to
11 meet the requirement of Subsection A of this section to make
12 the training available in every school district. The
13 department shall coordinate the development of the program with
14 appropriate staff in school districts and at the human services
15 department, [~~and~~] the department of health and the children,
16 youth and families department. The department shall consult
17 with the federal centers for disease control and prevention
18 when developing the evidence-based training component on child
19 sexual abuse and assault to include methods and materials that
20 have proven to be effective.

21 C. The training program developed pursuant to this
22 section shall be made available by the department to the deans
23 of every college of education in New Mexico for use in
24 providing such training to students seeking elementary and
25 secondary education licensure."

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

3 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
4 REQUIRED--ACCREDITATION.--

5 A. The department shall require public schools to
6 address department-approved academic content and performance
7 standards when instructing in specific department-required
8 subject areas as provided in this section. A public school or
9 school district failing to meet these minimum requirements
10 shall not be accredited by the department.

11 B. All kindergarten through third grade classes
12 shall provide daily instruction in reading and language arts
13 skills, including phonemic awareness, phonics and
14 comprehension, and in mathematics. Students in kindergarten
15 and first grades shall be screened and monitored for progress
16 in reading and language arts skills, and students in second
17 grade shall take diagnostic tests on reading and language arts
18 skills.

19 C. All first, second and third grade classes shall
20 provide instruction in art, music and a language other than
21 English, and instruction that meets content and performance
22 standards shall be provided in science, social studies,
23 physical education and health education.

24 D. In fourth through eighth grades, instruction
25 that meets academic content and performance standards shall be

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1 provided in the following subject areas:

2 (1) reading and language arts skills, with an
3 emphasis on writing and editing for at least one year and an
4 emphasis on grammar and writing for at least one year;

5 (2) mathematics;

6 (3) language other than English;

7 (4) communication skills;

8 (5) science;

9 (6) art;

10 (7) music;

11 (8) social studies;

12 (9) New Mexico history;

13 (10) United States history;

14 (11) geography;

15 (12) physical education; and

16 (13) health education.

17 E. Beginning with the 2008-2009 school year, in
18 eighth grade, algebra 1 shall be offered in regular classroom
19 settings or through online courses or agreements with high
20 schools.

21 F. In fourth through eighth grades, school
22 districts shall offer electives that contribute to academic
23 growth and skill development and provide career and technical
24 education. In sixth through eighth grades, media literacy may
25 be offered as an elective.

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1 G. In ninth through twelfth grades, instruction
2 that meets academic content and performance standards shall be
3 provided in health education.

4 H. All health education courses shall include age-
5 appropriate sexual abuse and assault awareness and prevention
6 training that meets department standards developed in
7 consultation with the federal centers for disease control and
8 prevention that are based on evidence-based methods that have
9 proven to be effective."

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

14 "22-13-1.1. GRADUATION REQUIREMENTS.--

15 A. At the end of grades eight through eleven, each
16 student shall prepare an interim next-step plan that sets forth
17 the coursework for the grades remaining until high school
18 graduation. Each year's plan shall explain any differences
19 from previous interim next-step plans, shall be filed with the
20 principal of the student's high school and shall be signed by
21 the student, the student's parent and the student's guidance
22 counselor or other school official charged with coursework
23 planning for the student.

24 B. Each student must complete a final next-step
25 plan during the senior year and prior to graduation. The plan

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1 shall be filed with the principal of the student's high school
2 and shall be signed by the student, the student's parent and
3 the student's guidance counselor or other school official
4 charged with coursework planning for the student.

5 C. An individualized education program that meets
6 the requirements of Subsections A and B of this section and
7 that meets all applicable transition and procedural
8 requirements of the federal Individuals with Disabilities
9 Education Act for a student with a disability shall satisfy the
10 next-step plan requirements of this section for that student.

11 D. A local school board shall ensure that each high
12 school student has the opportunity to develop a next-step plan
13 based on reports of college and workplace readiness
14 assessments, as available, and other factors and is reasonably
15 informed about:

16 (1) curricular and course options, including
17 honors or advanced placement courses, dual-credit courses,
18 distance learning courses, career clusters, pre-apprenticeship
19 programs or remediation programs that the college and workplace
20 readiness assessments indicate to be appropriate;

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

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

25 E. The secretary shall:

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

5 (2) promulgate rules for accredited private
6 schools in order to ensure substantial compliance with the
7 provisions of this section;

8 (3) monitor compliance with the requirements
9 of this section; and

10 (4) compile such information as is necessary
11 to evaluate the success of next-step plans and report annually,
12 by December 15, to the legislative education study committee
13 and the governor.

14 F. Successful completion of a minimum of twenty-
15 three units aligned to the state academic content and
16 performance standards shall be required for graduation. These
17 units shall be as follows:

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

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

22 (3) two units in science, one of which shall
23 have a laboratory component; provided, however, that with
24 students entering the ninth grade beginning in the 2005-2006
25 school year, three units in science shall be required, one of

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1 which shall have a laboratory component;

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

5 (5) one unit in physical education;

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

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

12 (8) nine elective units and seven and
13 one-half elective units for students entering the ninth grade
14 in the 2005-2006 school year that meet department content and
15 performance standards. Student service learning shall be
16 offered as an elective. Financial literacy shall be offered as
17 an elective. Pre-apprenticeship programs may be offered as
18 electives. Media literacy may be offered as an elective.

19 G. For students entering the ninth grade beginning
20 in the 2009-2010 school year, at least one of the units
21 required for graduation shall be earned as an advanced
22 placement or honors course, a dual-credit course offered in
23 cooperation with an institution of higher education or a
24 distance learning course.

25 H. The department shall establish a procedure for

1 students to be awarded credit through completion of specified
2 career technical education courses for certain graduation
3 requirements.

4 I. Successful completion of the requirements of the
5 New Mexico diploma of excellence shall be required for
6 graduation for students entering the ninth grade beginning in
7 the 2009-2010 school year. Successful completion of a minimum
8 of twenty-four units aligned to the state academic content and
9 performance standards shall be required to earn a New Mexico
10 diploma of excellence. These units shall be as follows:

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

13 (2) four units in mathematics, of which one
14 shall be the equivalent to or higher than the level of algebra
15 2, unless the parent submitted written, signed permission for
16 the student to complete a lesser mathematics unit; and provided
17 that a financial literacy course that meets state mathematics
18 academic content and performance standards shall qualify as one
19 of the four required mathematics units;

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

22 (4) three and one-half units in social
23 science, which shall include United States history and
24 geography, world history and geography, government and
25 economics and one-half unit of New Mexico history;

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1 (5) one unit in physical education;

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

3 a career cluster course, workplace readiness or a language
4 other than English; and

5 (7) seven and one-half elective units that
6 meet department content and performance standards. Student
7 service learning shall be offered as an elective. Financial
8 literacy shall be offered as an elective. Pre-apprenticeship
9 programs may be offered as electives. Media literacy may be
10 offered as an elective.

11 J. For students entering the eighth grade in the
12 2012-2013 school year, a course in health education is required
13 prior to graduation. Health education may be required in
14 either middle school or high school, as determined by the
15 school district. Each school district shall submit to the
16 department by the beginning of the 2011-2012 school year a
17 health education implementation plan for the 2012-2013 and
18 subsequent school years, including in which grade health
19 education will be required and how the course aligns with
20 department content and performance standards. Health education
21 shall include age-appropriate sexual abuse and assault
22 awareness and prevention training that meets department
23 standards developed in consultation with the federal centers
24 for disease control and prevention that are based on evidence-
25 based methods that have proven to be effective.

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1 K. Final examinations shall be administered to all
2 students in all classes offered for credit.

3 L. Until July 1, 2010, a student who has not passed
4 a state graduation examination in the subject areas of reading,
5 English, mathematics, writing, science and social science shall
6 not receive a high school diploma. The state graduation
7 examination on social science shall include a section on the
8 constitution of the United States and the constitution of New
9 Mexico. If a student exits from the school system at the end
10 of grade twelve without having passed a state graduation
11 examination, the student shall receive an appropriate state
12 certificate indicating the number of credits earned and the
13 grade completed. If within five years after a student exits
14 from the school system the student takes and passes the state
15 graduation examination, the student may receive a high school
16 diploma. Any student passing the state graduation examination
17 and completing all other requirements within five years of
18 entering ninth grade, including a final summer session if
19 completed by August 1, may be counted by the school system in
20 which the student is enrolled as a high school graduate for the
21 year in which completion and examination occur.

22 M. Beginning with the 2010-2011 school year, a
23 student shall not receive a New Mexico diploma of excellence if
24 the student has not demonstrated competence in the subject
25 areas of mathematics, reading and language arts, writing,

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1 social studies and science, including a section on the
2 constitution of the United States and the constitution of New
3 Mexico, based on a standards-based assessment or assessments or
4 a portfolio of standards-based indicators established by the
5 department by rule. The standards-based assessments required
6 in Section 22-2C-4 NMSA 1978 may also serve as the assessment
7 required for high school graduation. If a student exits from
8 the school system at the end of grade twelve without having
9 satisfied the requirements of this subsection, the student
10 shall receive an appropriate state certificate indicating the
11 number of credits earned and the grade completed. If within
12 five years after a student exits from the school system the
13 student satisfies the requirement of this subsection, the
14 student may receive a New Mexico diploma of excellence. Any
15 student satisfying the requirements of this subsection and
16 completing all other requirements within five years of entering
17 ninth grade, including a final summer session if completed by
18 August 1, may be counted by the school system in which the
19 student is enrolled as a high school graduate for the year in
20 which all requirements are satisfied.

21 N. As used in this section:

22 (1) "final next-step plan" means a next-step
23 plan that shows that the student has committed or intends to
24 commit in the near future to a four-year college or university,
25 a two-year college, a trade or vocational program, an

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1 internship or apprenticeship, military service or a job;

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

6 (3) "next-step plan" means an annual personal
7 written plan of studies developed by a student in a public
8 school or other state-supported school or institution in
9 consultation with the student's parent and school counselor or
10 other school official charged with coursework planning for the
11 student that includes one or more of the following:

12 (a) advanced placement or honors
13 courses;

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

16 (c) distance learning courses;

17 (d) career-technical courses; and

18 (e) pre-apprenticeship programs.

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

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