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AN ACT  
RELATING TO PUBLIC EDUCATION; PROVIDING SCHOOL  
DISTRICT-DETERMINED WAYS FOR STUDENTS TO MEET THE PHYSICAL  
EDUCATION UNIT REQUIREMENT FOR GRADUATION; LIMITING CHANGES  
TO GRADUATION REQUIREMENTS AFTER STUDENTS ENTER NINTH GRADE;  
DECLARING AN EMERGENCY.

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

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

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

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

B. Each student must complete a final next-step  
plan during the senior year and prior to graduation. The  
plan shall be filed with the principal of the student's high

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

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

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

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

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

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

1 E. The secretary shall:

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

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

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

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

15 F. Once a student has entered ninth grade, the  
16 graduation requirements shall not be changed for that student  
17 from the requirements specified in the law at the time the  
18 student entered ninth grade.

19 G. Successful completion of a minimum of  
20 twenty-three units aligned to the state academic content and  
21 performance standards shall be required for graduation.  
22 These units shall be as follows:

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

25 (2) three units in mathematics, at least one

1 of which is equivalent to the algebra 1 level or higher;

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

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

10 (5) one unit in physical education;

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

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

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

24 H. For students entering the ninth grade beginning  
25 in the 2009-2010 school year, at least one of the units

1 required for graduation shall be earned as an advanced  
2 placement or honors course, a dual-credit course offered in  
3 cooperation with an institution of higher education or a  
4 distance learning course.

5 I. The department shall establish a procedure for  
6 students to be awarded credit through completion of specified  
7 career technical education courses for certain graduation  
8 requirements.

9 J. Successful completion of the requirements of  
10 the New Mexico diploma of excellence shall be required for  
11 graduation for students entering the ninth grade beginning in  
12 the 2009-2010 school year. Successful completion of a  
13 minimum of twenty-four units aligned to the state academic  
14 content and performance standards shall be required to earn a  
15 New Mexico diploma of excellence. These units shall be as  
16 follows:

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

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

1 mathematics units;

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

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

8 (5) one unit in physical education, as  
9 determined by each school district, which may include a  
10 physical education program that meets state content and  
11 performance standards or participation in marching band,  
12 junior reserve officers' training corps or any other co-  
13 curricular physical activity;

14 (6) one unit in one of the following:  
15 a career cluster course, workplace readiness or a language  
16 other than English; and

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

23 K. For students entering the eighth grade in the  
24 2012-2013 school year, a course in health education is  
25 required prior to graduation. Health education may be

1 required in either middle school or high school, as  
2 determined by the school district. Each school district  
3 shall submit to the department by the beginning of the  
4 2011-2012 school year a health education implementation plan  
5 for the 2012-2013 and subsequent school years, including in  
6 which grade health education will be required and how the  
7 course aligns with department content and performance  
8 standards.

9 L. Final examinations shall be administered to all  
10 students in all classes offered for credit.

11 M. Until July 1, 2010, a student who has not  
12 passed a state graduation examination in the subject areas of  
13 reading, English, mathematics, writing, science and social  
14 science shall not receive a high school diploma. The state  
15 graduation examination on social science shall include a  
16 section on the constitution of the United States and the  
17 constitution of New Mexico. If a student exits from the  
18 school system at the end of grade twelve without having  
19 passed a state graduation examination, the student shall  
20 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 takes and passes the state graduation examination,  
24 the student may receive a high school diploma. Any student  
25 passing the state graduation examination and completing all

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

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



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

6 0. 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  
10 university, a two-year college, a trade or vocational  
11 program, an internship or apprenticeship, military service or  
12 a job;

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

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

24 (a) advanced placement or honors  
25 courses;

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

3 (c) distance learning courses;

4 (d) career-technical courses; and

5 (e) pre-apprenticeship programs.

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

9 SECTION 2. EMERGENCY.--It is necessary for the  
10 public peace, health and safety that this act take  
11 effect immediately. \_\_\_\_\_

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