

1 SENATE BILL 328

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 John M. Sapien

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10 AN ACT

11 RELATING TO PUBLIC EDUCATION; TRANSFERRING THE RESPONSIBILITY  
12 OF DETERMINING STUDENT COMPETENCE STANDARDS FOR GRADUATING WITH  
13 A NEW MEXICO DIPLOMA OF EXCELLENCE TO LOCAL SCHOOL BOARDS AND  
14 GOVERNING BODIES OF CHARTER SCHOOLS.

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

17 SECTION 1. Section 22-13-1.1 NMSA 1978 (being Laws 1986,  
18 Chapter 33, Section 5, as amended by Laws 2014, Chapter 9,  
19 Section 3 and by Laws 2014, Chapter 70, Section 1 and also by  
20 Laws 2014, Chapter 71, Section 1) is amended to read:

21 "22-13-1.1. GRADUATION REQUIREMENTS.--

22 A. At the end of grades eight through eleven, each  
23 student shall prepare an interim next-step plan that sets forth  
24 the coursework for the grades remaining until high school  
25 graduation. Each year's plan shall explain any differences

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1 from previous interim next-step plans, shall be filed with the  
2 principal of the student's high school and shall be signed by  
3 the student, the student's parent and the student's guidance  
4 counselor or other school official charged with coursework  
5 planning for the student.

6 B. Each student must complete a final next-step  
7 plan during the senior year and prior to graduation. The plan  
8 shall be filed with the principal of the student's high school  
9 and shall be signed by the student, the student's parent and  
10 the student's guidance counselor or other school official  
11 charged with coursework planning for the student.

12 C. An individualized education program that meets  
13 the requirements of Subsections A and B of this section and  
14 that meets all applicable transition and procedural  
15 requirements of the federal Individuals with Disabilities  
16 Education Act for a student with a disability shall satisfy the  
17 next-step plan requirements of this section for that student.

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

23 (1) curricular and course options, including  
24 honors or advanced placement courses, dual-credit courses,  
25 distance learning courses, career clusters, pre-apprenticeship

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1 programs or remediation programs that the college and workplace  
2 readiness assessments indicate to be appropriate;

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

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

7 E. The secretary shall:

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

12 (2) promulgate rules for accredited private  
13 schools in order to ensure substantial compliance with the  
14 provisions of this section;

15 (3) monitor compliance with the requirements  
16 of this section; and

17 (4) compile such information as is necessary  
18 to evaluate the success of next-step plans and report annually,  
19 by December 15, to the legislative education study committee  
20 and the governor.

21 F. Once a student has entered ninth grade, the  
22 graduation requirements shall not be changed for that student  
23 from the requirements specified in the law at the time the  
24 student entered ninth grade.

25 G. Successful completion of a minimum of twenty-

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1 three units aligned to the state academic content and  
2 performance standards shall be required for graduation. These  
3 units shall be as follows:

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

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

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

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

16 (5) one unit in physical education;

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

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

23 (8) nine elective units and seven and one-half  
24 elective units for students entering the ninth grade in the  
25 2005-2006 school year that meet department content and

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1 performance standards. Student service learning shall be  
2 offered as an elective. Financial literacy shall be offered as  
3 an elective. Pre-apprenticeship programs may be offered as  
4 electives. Media literacy may be offered as an elective.

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

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

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

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

24 (2) four units in mathematics, of which one  
25 shall be the equivalent to or higher than the level of algebra

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1 2, unless the parent submitted written, signed permission for  
2 the student to complete a lesser mathematics unit; and provided  
3 that a financial literacy course that meets state mathematics  
4 academic content and performance standards shall qualify as one  
5 of the four required mathematics units;

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

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

12 (5) one unit in physical education, as  
13 determined by each school district, which may include a  
14 physical education program that meets state content and  
15 performance standards or participation in marching band, junior  
16 reserve officers' training corps or interscholastic sports  
17 sanctioned by the New Mexico activities association or any  
18 other co-curricular physical activity;

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

22 (7) seven and one-half elective units that  
23 meet department content and performance standards. Student  
24 service learning shall be offered as an elective. Financial  
25 literacy shall be offered as an elective. Pre-apprenticeship

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1 programs may be offered as electives. Media literacy may be  
2 offered as an elective.

3 K. For students entering the eighth grade in the  
4 2012-2013 school year, a course in health education is required  
5 prior to graduation. Health education may be required in  
6 either middle school or high school, as determined by the  
7 school district. Each school district shall submit to the  
8 department by the beginning of the 2011-2012 school year a  
9 health education implementation plan for the 2012-2013 and  
10 subsequent school years, including in which grade health  
11 education will be required and how the course aligns with  
12 department content and performance standards. Health education  
13 shall include age-appropriate sexual abuse and assault  
14 awareness and prevention training that meets department  
15 standards developed in consultation with the federal centers  
16 for disease control and prevention that are based on evidence-  
17 based methods that have proven to be effective.

18 L. Final examinations shall be administered to all  
19 students in all classes offered for credit.

20 M. Until July 1, 2010, a student who has not passed  
21 a state graduation examination in the subject areas of reading,  
22 English, mathematics, writing, science and social science shall  
23 not receive a high school diploma. The state graduation  
24 examination on social science shall include a section on the  
25 constitution of the United States and the constitution of New

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1 Mexico. If a student exits from the school system at the end  
2 of grade twelve without having passed a state graduation  
3 examination, the student shall receive an appropriate state  
4 certificate indicating the number of credits earned and the  
5 grade completed. If within five years after a student exits  
6 from the school system the student takes and passes the state  
7 graduation examination, the student may receive a high school  
8 diploma. Any student passing the state graduation examination  
9 and completing all other requirements within five years of  
10 entering ninth grade, including a final summer session if  
11 completed by August 1, may be counted by the school system in  
12 which the student is enrolled as a high school graduate for the  
13 year in which completion and examination occur.

14 N. Beginning with the 2010-2011 school year, a  
15 student shall not receive a New Mexico diploma of excellence if  
16 the student has not demonstrated competence in the subject  
17 areas of mathematics, reading and language arts, writing,  
18 social studies and science, including a section on the  
19 constitution of the United States and the constitution of  
20 New Mexico, based on a standards-based assessment or  
21 assessments or a portfolio of standards-based indicators  
22 established by the [~~department by rule~~] local school board or  
23 the governing body of a charter school. The standards-based  
24 assessments required in Section 22-2C-4 NMSA 1978 may also  
25 serve as the assessment required for high school graduation.

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1 If a student exits from the school system at the end of grade  
2 twelve without having satisfied the requirements of this  
3 subsection, the student shall receive an appropriate state  
4 certificate indicating the number of credits earned and the  
5 grade completed. If within five years after a student exits  
6 from the school system the student satisfies the requirement of  
7 this subsection, the student may receive a New Mexico diploma  
8 of excellence. Any student satisfying the requirements of this  
9 subsection and completing all other requirements within five  
10 years of entering ninth grade, including a final summer session  
11 if completed by August 1, may be counted by the school system  
12 in which the student is enrolled as a high school graduate for  
13 the year in which all requirements are satisfied.

14 0. As used in this section:

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

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

24 (3) "next-step plan" means an annual personal  
25 written plan of studies developed by a student in a public

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1 school or other state-supported school or institution in  
2 consultation with the student's parent and school counselor or  
3 other school official charged with coursework planning for the  
4 student that includes one or more of the following:

5 (a) advanced placement or honors  
6 courses;

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

9 (c) distance learning courses;

10 (d) career-technical courses; and

11 (e) pre-apprenticeship programs.

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