

1 AN ACT

2 RELATING TO HEALTH EDUCATION; AMENDING SECTIONS OF THE PUBLIC
3 SCHOOL CODE TO REQUIRE THE PUBLIC EDUCATION DEPARTMENT TO ADD
4 LIFESAVING SKILLS TRAINING TO HEALTH EDUCATION COURSES.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

9 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
10 REQUIRED--ACCREDITATION.--

11 A. The department shall require public schools to
12 address department-approved academic content and performance
13 standards when instructing in specific department-required
14 subject areas as provided in this section. A public school
15 or school district failing to meet these minimum requirements
16 shall not be accredited by the department.

17 B. All kindergarten through third grade classes
18 shall provide daily instruction in reading and language arts
19 skills, including phonemic awareness, phonics and
20 comprehension, and in mathematics. Students in kindergarten
21 and first grades shall be screened and monitored for progress
22 in reading and language arts skills, and students in second
23 grade shall take diagnostic tests on reading and language
24 arts skills.

25 C. All first, second and third grade classes shall HHC/HB 104
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1 provide instruction in art, music and a language other than
2 English, and instruction that meets content and performance
3 standards shall be provided in science, social studies,
4 physical education and health education.

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

8 (1) reading and language arts skills, with
9 an emphasis on writing and editing for at least one year and
10 an emphasis on grammar and writing for at least one year;

11 (2) mathematics;

12 (3) language other than English;

13 (4) communication skills;

14 (5) science;

15 (6) art;

16 (7) music;

17 (8) social studies;

18 (9) New Mexico history;

19 (10) United States history;

20 (11) geography;

21 (12) physical education; and

22 (13) health education.

23 E. Beginning with the 2008-2009 school year, in
24 eighth grade, algebra 1 shall be offered in regular classroom
25 settings or through online courses or agreements with high

1 schools.

2 F. In fourth through eighth grades, school
3 districts shall offer electives that contribute to academic
4 growth and skill development and provide career and technical
5 education. In sixth through eighth grades, media literacy
6 may be offered as an elective.

7 G. In ninth through twelfth grades, instruction
8 that meets academic content and performance standards shall
9 be provided in health education.

10 H. All health education courses shall include:

11 (1) age-appropriate sexual abuse and assault
12 awareness and prevention training that meets department
13 standards developed in consultation with the federal centers
14 for disease control and prevention that are based on
15 evidence-based methods that have proven to be effective; and

16 (2) lifesaving skills training that follows
17 nationally recognized guidelines for hands-on psychomotor
18 skills cardiopulmonary resuscitation training. Students
19 shall be trained to recognize the signs of a heart attack,
20 use an automated external defibrillator and perform the
21 Heimlich maneuver for choking victims. The secretary shall
22 promulgate rules to provide for the:

23 (a) use of the following instructors
24 for the training provided pursuant to this paragraph: 1)
25 school nurses, health teachers and athletic department

1 personnel as instructors; and 2) any qualified persons
2 volunteering to provide training at no cost to the school
3 district that the school district determines to be eligible
4 to offer instruction pursuant to this paragraph; and

5 (b) approval of training and
6 instructional materials related to the training established
7 pursuant to this paragraph in both English and Spanish."

8 **SECTION 2.** Section 22-13-1.1 NMSA 1978 (being Laws
9 1986, Chapter 33, Section 5, as amended) is amended to read:

10 "22-13-1.1. GRADUATION REQUIREMENTS.--

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

20 B. Each student must complete a final next-step
21 plan during the senior year and prior to graduation. The
22 plan shall be filed with the principal of the student's high
23 school and shall be signed by the student, the student's
24 parent and the student's guidance counselor or other school
25 official charged with coursework planning for the student.

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

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

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

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

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

23 E. The secretary shall:

24 (1) establish specific accountability
25 standards for administrators, counselors, teachers and school

1 district staff to ensure that every student has the
2 opportunity to develop a next-step plan;

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

6 (3) monitor compliance with the requirements
7 of this section; and

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

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

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

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

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

24 (3) two units in science, one of which shall
25 have a laboratory component; provided, however, that with

1 students entering the ninth grade beginning in the 2005-2006
2 school year, three units in science shall be required, one of
3 which shall have a laboratory component;

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

7 (5) one unit in physical education;

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

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

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

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

1 distance learning course.

2 I. The department shall establish a procedure for
3 students to be awarded credit through completion of specified
4 career technical education courses for certain graduation
5 requirements, and districts may choose to allow students who
6 successfully complete an industry-recognized credential,
7 certificate or degree to receive additional weight in the
8 calculation of the student's grade point average.

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 interscholastic
13 sports sanctioned by the New Mexico activities association or
14 any other co-curricular physical activity;

15 (6) one unit in one of the following: a
16 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. Career
20 and technical education courses shall be offered as an
21 elective. Student service learning shall be offered as an
22 elective. Financial literacy shall be offered as an
23 elective. Pre-apprenticeship programs may be offered as
24 electives. Media literacy may be offered as an elective.

25 K. For students entering the eighth grade in the

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

10 Health education courses shall include:

11 (1) age-appropriate sexual abuse and assault
12 awareness and prevention training that meets department
13 standards developed in consultation with the federal centers
14 for disease control and prevention that are based on
15 evidence-based methods that have proven to be effective; and

16 (2) lifesaving skills training that follows
17 nationally recognized guidelines for hands-on psychomotor
18 skills cardiopulmonary resuscitation training. Students
19 shall be trained to recognize the signs of a heart attack,
20 use an automated external defibrillator and perform the
21 Heimlich maneuver for choking victims. The secretary shall
22 promulgate rules to provide for the:

23 (a) use of the following instructors
24 for the training provided pursuant to this paragraph: 1)
25 school nurses, health teachers and athletic department

1 personnel as instructors; and 2) any qualified persons
2 volunteering to provide training at no cost to the school
3 district that the school district determines to be eligible
4 to offer instruction pursuant to this paragraph; and

5 (b) approval of training and
6 instructional materials related to the training established
7 pursuant to this paragraph in both English and Spanish.

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

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

1 including a final summer session if completed by August 1,
2 may be counted by the school system in which the student is
3 enrolled as a high school graduate for the year in which
4 completion and examination occur.

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

1 session if completed by August 1, may be counted by the
2 school system in which the student is enrolled as a high
3 school graduate for the year in which all requirements are
4 satisfied.

5 O. As used in this section:

6 (1) "career and technical education",
7 sometimes referred to as "vocational education", means
8 organized programs offering a sequence of courses, including
9 technical education and applied technology education, that
10 are directly related to the preparation of individuals for
11 paid or unpaid employment in current or emerging occupations
12 requiring an industry-recognized credential, certificate or
13 degree;

14 (2) "career and technical education course"
15 means a course with content that provides technical
16 knowledge, skills and competency-based applied learning and
17 that aligns with educational standards and expectations as
18 defined in rule;

19 (3) "career cluster" means a grouping of
20 occupations in industry sectors based on recognized
21 commonalities that provide an organizing tool for developing
22 instruction within the educational system;

23 (4) "career pathways" means a sub-grouping
24 used as an organizing tool for curriculum design and
25 instruction of occupations and career specialities that share

1 a set of common knowledge and skills for career success;

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

8 (6) "interim next-step plan" means an annual
9 next-step plan in which the student specifies post-high-
10 school goals and sets forth the coursework that will allow
11 the student to achieve those goals; and

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

19 (a) advanced placement or honors
20 courses;

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

23 (c) distance learning courses;

24 (d) career-technical courses; and

25 (e) pre-apprenticeship programs.

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

4 SECTION 3. TEMPORARY PROVISION--PSYCHOMOTOR
5 CARDIOPULMONARY SKILLS TRAINING--RULEMAKING.--By December 31,
6 2016, the secretary of public education shall adopt and
7 promulgate rules to implement the provisions of Sections 1
8 and 2 of this act.

9 SECTION 4. APPLICABILITY.--Lifesaving skills training
10 pursuant to Paragraph (2) of Subsection H of Section 22-13-1
11 NMSA 1978 and Paragraph (2) of Subsection K of Section
12 22-13-1.1 NMSA 1978 shall not be required for students in
13 grades nine through twelve who are enrolled in a virtual
14 charter school.

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