AN ACT

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

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

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

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

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

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

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

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

1. reading and language arts skills, with an emphasis on writing and editing for at least one year and an emphasis on grammar and writing for at least one year;
2. mathematics;
3. language other than English;
4. communication skills;
5. science;
6. art;
7. music;
8. social studies;
9. New Mexico history;
10. United States history;
11. geography;
12. physical education; and
13. health education.

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

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

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

H. All health education courses shall include:

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

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

(a) use of the following instructors for the training provided pursuant to this paragraph:

1) school nurses, health teachers and athletic department
personnel as instructors; and 2) any qualified persons
volunteering to provide training at no cost to the school
district that the school district determines to be eligible
to offer instruction pursuant to this paragraph; and

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

SECTION 2. Section 22-13-1.1 NMSA 1978 (being Laws
1986, Chapter 33, Section 5, as amended) 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
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.
C. An individualized education program that meets the requirements of Subsections A and B of this section and that meets all applicable transition and procedural requirements of the federal Individuals with Disabilities Education Act for a student with a disability shall satisfy the next-step plan requirements of this section for that student.

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

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

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

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

E. The secretary shall:

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

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

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

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

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

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

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

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

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

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

(5) one unit in physical education;

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

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

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

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

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

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

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

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

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

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

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

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

(7) seven and one-half elective units that meet department content and performance standards. Career and technical education courses shall be offered as an elective. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Pre-apprenticeship programs may be offered as electives. Media literacy may be offered as an elective.

K. For students entering the eighth grade in the
2012-2013 school year, a course in health education is
required prior to graduation. Health education may be
required in either middle school or high school, as
determined by the school district. Each school district
shall submit to the department by the beginning of the
2011-2012 school year a health education implementation plan
for the 2012-2013 and subsequent school years, including in
which grade health education will be required and how the
course aligns with department content and performance
standards. Health education courses shall include:

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

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

(a) use of the following instructors
for the training provided pursuant to this paragraph:

1) school nurses, health teachers and athletic department
personnel as instructors; and 2) any qualified persons volunteering to provide training at no cost to the school district that the school district determines to be eligible to offer instruction pursuant to this paragraph; and

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

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

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

N. Beginning with the 2010-2011 school year, a student shall not receive a New Mexico diploma of excellence if the student has not demonstrated competence in the subject areas of mathematics, reading and language arts, writing, social studies and science, including a section on the constitution of the United States and the constitution of New Mexico, based on a standards-based assessment or assessments or a portfolio of standards-based indicators established by the department by rule. The standards-based assessments required in Section 22-2C-4 NMSA 1978 may also serve as the assessment required for high school graduation. If a student exits from the school system at the end of grade twelve without having satisfied the requirements of this subsection, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system the student satisfies the requirements of this subsection, the student may receive a New Mexico diploma of excellence. Any student satisfying the requirements of this subsection and completing all other requirements within five years of entering ninth grade,
including a final summer session if completed by August 1, may be counted by the school system in which the student is enrolled as a high school graduate for the year in which all requirements are satisfied.

O. As used in this section:

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

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

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

(4) "career pathways" means a sub-grouping used as an organizing tool for curriculum design and instruction of occupations and career specialities that share
a set of common knowledge and skills for career success;

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

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

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

(a) advanced placement or honors courses;

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

(c) distance learning courses;

(d) career-technical courses; and

(e) pre-apprenticeship programs.
P. The secretary may establish a policy to provide
for administrative interpretations to clarify curricular and
testing provisions of the Public School Code."

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

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