

1 SENATE BILL 613

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Linda M. Lopez

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10 AN ACT

11 RELATING TO PUBLIC EDUCATION; DEFINING "ETHNIC STUDIES";
12 REQUIRING ETHNIC STUDIES THAT MEET PUBLIC EDUCATION DEPARTMENT
13 CONTENTS AND PERFORMANCE; PROVIDING FOR AN ETHNIC STUDIES
14 COUNCIL TO ASSIST THE DEPARTMENT WITH CURRICULUM DEVELOPMENT.

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

17 SECTION 1. Section 22-13-1 NMSA 1978 (being Laws 2003,
18 Chapter 153, Section 57, as amended by Laws 2016, Chapter 17,
19 Section 1 and by Laws 2016, Chapter 18, Section 1) is amended
20 to read:

21 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
22 REQUIRED--ACCREDITATION.--

23 A. The department shall require public schools to
24 address department-approved academic content and performance
25 standards when instructing in specific department-required

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1 subject areas as provided in this section. A public school or
2 school district failing to meet these minimum requirements
3 shall not be accredited by the department.

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

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

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

20 (1) reading and language arts skills, with an
21 emphasis on writing and editing for at least one year and an
22 emphasis on grammar and writing for at least one year;

23 (2) mathematics;

24 (3) language other than English;

25 (4) communication skills;

- 1 (5) science;
- 2 (6) art;
- 3 (7) music;
- 4 (8) social studies;
- 5 (9) ethnic studies;
- 6 [~~(9)~~] (10) New Mexico history;
- 7 [~~(10)~~] (11) United States history;
- 8 [~~(11)~~] (12) geography;
- 9 [~~(12)~~] (13) physical education; and
- 10 [~~(13)~~] (14) health education.

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

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

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

23 H. All health education courses shall include:

- 24 (1) age-appropriate sexual abuse and assault
25 awareness and prevention training that meets department

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1 standards developed in consultation with the federal centers
2 for disease control and prevention that are based on evidence-
3 based methods that have proven to be effective; and

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

11 (a) use of the following instructors for
12 the training provided pursuant to this paragraph: 1) school
13 nurses, health teachers and athletic department personnel as
14 instructors; and 2) any qualified persons volunteering to
15 provide training at no cost to the school district that the
16 school district determines to be eligible to offer instruction
17 pursuant to this paragraph; and

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

21 I. As used in this section, "ethnic studies" means
22 the interdisciplinary study of multiple perspectives through
23 the examination of social, ethnic, cultural, gender and
24 historical experiences to build critical thinking skills."

25 SECTION 2. Section 22-13-1.1 NMSA 1978 (being Laws 1986,

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1 Chapter 33, Section 5, as amended) is amended to read:

2 "22-13-1.1. GRADUATION REQUIREMENTS.--

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

12 B. Each student must complete a final next-step
13 plan during the senior year and prior to graduation. The plan
14 shall be filed with the principal of the student's high school
15 and shall be signed by the student, the student's parent and
16 the student's guidance counselor or other school official
17 charged with coursework planning for the student.

18 C. An individualized education program that meets
19 the requirements of Subsections A and B of this section and
20 that meets all applicable transition and procedural
21 requirements of the federal Individuals with Disabilities
22 Education Act for a student with a disability shall satisfy the
23 next-step plan requirements of this section for that student.

24 D. A local school board shall ensure that each high
25 school student has the opportunity to develop a next-step plan

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1 based on reports of college and workplace readiness
2 assessments, as available, and other factors and is reasonably
3 informed about:

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

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

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

14 E. The secretary shall:

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

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

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

24 (4) compile such information as is necessary
25 to evaluate the success of next-step plans and report annually,

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1 by December 15, to the legislative education study committee
2 and the governor.

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

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

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

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

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

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

23 (5) one unit in physical education;

24 (6) one unit in communication skills or
25 business education, with a major emphasis on writing and

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1 speaking and that may include a language other than English;

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

5 (8) nine elective units and seven and one-half
6 elective units for students entering the ninth grade in the
7 2005-2006 school year that meet department content and
8 performance standards. Student service learning shall be
9 offered as an elective. Financial literacy shall be offered as
10 an elective. Pre-apprenticeship programs may be offered as
11 electives. Media literacy may be offered as an elective.

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

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

25 J. Successful completion of the requirements of the

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

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

9 (2) four units in mathematics, of which one
10 shall be the equivalent to or higher than the level of algebra
11 2, unless the parent submitted written, signed permission for
12 the student to complete a lesser mathematics unit; and provided
13 that a financial literacy course that meets state mathematics
14 academic content and performance standards shall qualify as one
15 of the four required mathematics units;

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

18 (4) three and one-half units in social
19 science, which shall include United States history and
20 geography, world history and geography, government and
21 economics and one-half unit of New Mexico history; provided
22 that for students entering the ninth grade in the 2021-2022
23 school year, four units in social science, with one-half unit
24 in ethnic studies;

25 (5) one unit in physical education, as

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

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

10 (7) seven and one-half elective units that
11 meet department content and performance standards; provided
12 that for students entering the ninth grade beginning in the
13 2021-2022 school year, there shall be seven elective units.

14 Career and technical education courses shall be offered as an
15 elective. Student service learning shall be offered as an
16 elective. Financial literacy shall be offered as an elective.
17 Pre-apprenticeship programs may be offered as electives. Media
18 literacy may be offered as an elective.

19 K. For students entering the eighth grade in the
20 2012-2013 school year, a course in health education is required
21 prior to graduation. Health education may be required in
22 either middle school or high school, as determined by the
23 school district. Each school district shall submit to the
24 department by the beginning of the 2011-2012 school year a
25 health education implementation plan for the 2012-2013 and

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1 subsequent school years, including in which grade health
2 education will be required and how the course aligns with
3 department content and performance standards. Health education
4 courses shall include:

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

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

17 (a) use of the following instructors for
18 the training provided pursuant to this paragraph: 1) school
19 nurses, health teachers and athletic department personnel as
20 instructors; and 2) any qualified persons volunteering to
21 provide training at no cost to the school district that the
22 school district determines to be eligible to offer instruction
23 pursuant to this paragraph; and

24 (b) approval of training and
25 instructional materials related to the training established

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1 pursuant to this paragraph in both English and Spanish.

2 L. For students entering the ninth grade in the
3 2017-2018 school year and subsequent school years:

4 (1) one of the units in mathematics required
5 by Paragraph (2) of Subsection J of this section may comprise a
6 computer science course if taken after the student demonstrates
7 competence in mathematics and if the course is not used to
8 satisfy any part of the requirement set forth in Paragraph (3)
9 of that subsection; and

10 (2) one of the units in science required by
11 Paragraph (3) of Subsection J of this section may comprise a
12 computer science course if taken after the student demonstrates
13 competence in science and if the course is not used to satisfy
14 any part of the requirement set forth in Paragraph (2) of that
15 subsection.

16 M. Final examinations shall be administered to all
17 students in all classes offered for credit.

18 N. Until July 1, 2010, a student who has not passed
19 a state graduation examination in the subject areas of reading,
20 English, mathematics, writing, science and social science shall
21 not receive a high school diploma. The state graduation
22 examination on social science shall include a section on the
23 constitution of the United States and the constitution of New
24 Mexico. If a student exits from the school system at the end
25 of grade twelve without having passed a state graduation

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1 examination, the student shall receive an appropriate state
2 certificate indicating the number of credits earned and the
3 grade completed. If within five years after a student exits
4 from the school system the student takes and passes the state
5 graduation examination, the student may receive a high school
6 diploma. Any student passing the state graduation examination
7 and completing all other requirements within five years of
8 entering ninth grade, including a final summer session if
9 completed by August 1, may be counted by the school system in
10 which the student is enrolled as a high school graduate for the
11 year in which completion and examination occur.

12 O. Beginning with the 2010-2011 school year, a
13 student shall not receive a New Mexico diploma of excellence if
14 the student has not demonstrated competence in the subject
15 areas of mathematics, reading and language arts, writing,
16 social studies and science, including a section on the
17 constitution of the United States and the constitution of
18 New Mexico, based on a standards-based assessment or
19 assessments or a portfolio of standards-based indicators
20 established by the department by rule. The standards-based
21 assessments required in Section 22-2C-4 NMSA 1978 may also
22 serve as the assessment required for high school graduation.
23 If a student exits from the school system at the end of grade
24 twelve without having satisfied the requirements of this
25 subsection, the student shall receive an appropriate state

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1 certificate indicating the number of credits earned and the
2 grade completed. If within five years after a student exits
3 from the school system the student satisfies the requirements
4 of this subsection, the student may receive a New Mexico
5 diploma of excellence. Any student satisfying the requirements
6 of this subsection and completing all other requirements within
7 five years of entering ninth grade, including a final summer
8 session if completed by August 1, may be counted by the school
9 system in which the student is enrolled as a high school
10 graduate for the year in which all requirements are satisfied.

11 P. As used in this section:

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

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

23 (3) "career cluster" means a grouping of
24 occupations in industry sectors based on recognized
25 commonalities that provide an organizing tool for developing

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1 instruction within the educational system;

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

6 (5) "ethnic studies" means the
7 interdisciplinary study of multiple perspectives through the
8 examination of social, ethnic, cultural, gender and historical
9 experiences to build critical thinking skills;

10 [~~5~~] (6) "final next-step plan" means a next-
11 step plan that shows that the student has committed or intends
12 to commit in the near future to a four-year college or
13 university, a two-year college, a trade or vocational program,
14 an internship or apprenticeship, military service or a job;

15 [~~6~~] (7) "interim next-step plan" means an
16 annual next-step plan in which the student specifies post-high-
17 school goals and sets forth the coursework that will allow the
18 student to achieve those goals; and

19 [~~7~~] (8) "next-step plan" means an annual
20 personal written plan of studies developed by a student in a
21 public school or other state-supported school or institution in
22 consultation with the student's parent and school counselor or
23 other school official charged with coursework planning for the
24 student that includes one or more of the following:

25 (a) advanced placement or honors

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1 courses;

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

4 (c) distance learning courses;

5 (d) career-technical courses; and

6 (e) pre-apprenticeship programs.

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

10 SECTION 3. TEMPORARY PROVISION--ETHNIC STUDIES COUNCIL--
11 CREATION.--

12 A. The "ethnic studies council" is created. The
13 legislative education study committee, the public education
14 department and institutions of higher education shall convene a
15 council to study and identify the next steps in developing
16 ethnic studies curricula in public schools.

17 B. The secretary of public education shall appoint
18 the members of the ethnic studies council, which may include
19 representatives from each of the following:

20 (1) university and public school ethnic
21 studies programs, including Africana, Native American and
22 Chicana and Chicano studies;

23 (2) professional or community organizations
24 that promote Native American, African American, Chicana,
25 Chicano and Latino education and the education of distinct

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1 underrepresented cultural and ethnic groups;

2 (3) colleges of education and institutions of
3 teacher preparation;

4 (4) the office on African American affairs;

5 (5) the Indian affairs department;

6 (6) the all pueblo council of governors;

7 (7) public schools;

8 (8) the department's Hispanic education
9 liaison;

10 (9) the director of the Indian education
11 division of the department or the director's designee;

12 (10) the director of the language and culture
13 bureau of the department or the director's designee;

14 (11) teachers' unions; and

15 (12) other organizations or persons whose work
16 or interests can provide valuable insights into the benefits
17 and costs of ethnic studies.

18 C. The chair of the ethnic studies council shall be
19 elected by the council. The council shall meet at the call of
20 the chair.

21 D. Public members of the ethnic studies council
22 shall be reimbursed for per diem and mileage as provided in the
23 Per Diem and Mileage Act and shall receive no other
24 compensation, perquisite or allowance.

25 E. The secretary of public education shall provide

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1 staff support for the ethnic studies council in the performance
2 of its duties.

3 F. A simple majority of the ethnic studies council
4 members constitutes a quorum. A member of the council shall
5 abstain from voting or the member's vote shall be disqualified
6 on any matter in which the member has a pecuniary interest.

7 G. Appointed members shall serve until the
8 expiration date of the ethnic studies council.

9 H. The ethnic studies council shall report its
10 findings and recommendations to the legislative education study
11 committee by July 1, 2020.

12 I. The ethnic studies council expires on August 1,
13 2020."