

HOUSE BILL 227

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

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AN ACT

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

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 by Laws 2016, Chapter 17,  
Section 1 and by Laws 2016, Chapter 18, Section 1) 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

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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. Students in kindergarten through third grade shall  
12 have grade-appropriate instruction on ethnic studies relating  
13 to New Mexico history.

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

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

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

25 (2) mathematics;

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

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

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

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

25 H. All health education courses shall include:

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

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

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

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

23 I. As used in this section, "ethnic studies" means  
24 the interdisciplinary study of multiple perspectives through  
25 the examination of social, ethnic, cultural, gender and

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1 historical experiences to build critical thinking skills."

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

4 "22-13-1.1. GRADUATION REQUIREMENTS.--

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

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

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

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

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

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

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

16           E. The secretary shall:

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

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

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

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

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

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

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

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

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

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

25 (5) one unit in physical education;

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

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

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

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

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

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1 calculation of the student's grade point average.

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

9 (1) four units in English, with major emphasis  
10 on grammar, nonfiction writing and literature; provided that  
11 department-approved work-based training or career and technical  
12 education courses that meet state English academic content  
13 performance standards shall qualify as one of the four required  
14 English units;

15 (2) four units in mathematics, of which one  
16 shall be the equivalent to or higher than the level of algebra  
17 2, unless the parent submitted written, signed permission for  
18 the student to complete a lesser mathematics unit; and provided  
19 that a financial literacy course or department-approved work-  
20 based training or career and technical education course that  
21 meets state mathematics academic content and performance  
22 standards shall qualify as one of the four required mathematics  
23 units;

24 (3) three units in science, two of which shall  
25 have a laboratory component; provided that department-approved

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1 work-based training or career and technical education courses  
2 that meet state science academic content and performance  
3 standards shall qualify as one of the three required science  
4 units;

5 (4) three and one-half units in social  
6 science, which shall include United States history and  
7 geography, world history and geography, government and  
8 economics and one-half unit of New Mexico history; provided  
9 that for students entering the ninth grade in the 2023-2024  
10 school year, four units in social science, with one-half unit  
11 in ethnic studies, shall be required;

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: a  
20 career cluster course, workplace readiness or a language other  
21 than English; and

22 (7) seven and one-half elective units that  
23 meet department content and performance standards; provided  
24 that for students entering the ninth grade beginning in the  
25 2023-2024 school year, there shall be seven elective units.

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1 Career and technical education courses shall be offered as an  
2 elective. Student service learning shall be offered as an  
3 elective. Financial literacy shall be offered as an elective.  
4 Pre-apprenticeship programs may be offered as electives. Media  
5 literacy may be offered as an elective.

6 K. For students entering the eighth grade in the  
7 2012-2013 school year, a course in health education is required  
8 prior to graduation. Health education may be required in  
9 either middle school or high school, as determined by the  
10 school district. Each school district shall submit to the  
11 department by the beginning of the 2011-2012 school year a  
12 health education implementation plan for the 2012-2013 and  
13 subsequent school years, including in which grade health  
14 education will be required and how the course aligns with  
15 department content and performance standards. Health education  
16 courses shall include:

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

22 (2) lifesaving skills training that follows  
23 nationally recognized guidelines for hands-on psychomotor  
24 skills cardiopulmonary resuscitation training. Students shall  
25 be trained to recognize the signs of a heart attack, use an

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1 automated external defibrillator and perform the Heimlich  
2 maneuver for choking victims. The secretary shall promulgate  
3 rules to provide for the:

4 (a) use of the following instructors for  
5 the training provided pursuant to this paragraph: 1) school  
6 nurses, health teachers and athletic department personnel as  
7 instructors; and 2) any qualified persons volunteering to  
8 provide training at no cost to the school district that the  
9 school district determines to be eligible to offer instruction  
10 pursuant to this paragraph; and

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

14 L. For students entering the ninth grade in the  
15 2017-2018 school year and subsequent school years:

16 (1) one of the units in mathematics required  
17 by Paragraph (2) of Subsection J of this section may comprise a  
18 computer science course if taken after the student demonstrates  
19 competence in mathematics and if the course is not used to  
20 satisfy any part of the requirement set forth in Paragraph (3)  
21 of that subsection; and

22 (2) one of the units in science required by  
23 Paragraph (3) of Subsection J of this section may comprise a  
24 computer science course if taken after the student demonstrates  
25 competence in science and if the course is not used to satisfy

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1 any part of the requirement set forth in Paragraph (2) of that  
2 subsection.

3 M. Final examinations shall be administered to all  
4 students in all classes offered for credit.

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

24 O. Beginning with the 2010-2011 school year, a  
25 student shall not receive a New Mexico diploma of excellence if

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

23 P. As used in this section:

24 (1) "career and technical education",  
25 sometimes referred to as "vocational education", means

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1 organized programs offering a sequence of courses, including  
2 technical education and applied technology education, that are  
3 directly related to the preparation of individuals for paid or  
4 unpaid employment in current or emerging occupations requiring  
5 an industry-recognized credential, certificate or degree;

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

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

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

18 (5) "ethnic studies" means the  
19 interdisciplinary study of multiple perspectives through the  
20 examination of social, ethnic, cultural, gender and historical  
21 experiences to build critical thinking skills;

22 [+5] (6) "final next-step plan" means a next-  
23 step plan that shows that the student has committed or intends  
24 to commit in the near future to a four-year college or  
25 university, a two-year college, a trade or vocational program,

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1 an internship or apprenticeship, military service or a job;

2 [~~(6)~~] (7) "interim next-step plan" means an  
3 annual next-step plan in which the student specifies post-high-  
4 school goals and sets forth the coursework that will allow the  
5 student to achieve those goals; and

6 [~~(7)~~] (8) "next-step plan" means an annual  
7 personal written plan of studies developed by a student in a  
8 public school or other state-supported school or institution in  
9 consultation with the student's parent and school counselor or  
10 other school official charged with coursework planning for the  
11 student that includes one or more of the following:

12 (a) advanced placement or honors  
13 courses;

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

16 (c) distance learning courses;

17 (d) career-technical courses; and

18 (e) pre-apprenticeship programs.

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

22 SECTION 3. TEMPORARY PROVISION--ETHNIC STUDIES COUNCIL--  
23 CREATION.--

24 A. The "ethnic studies council" is created. The  
25 legislative education study committee, the public education

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1 department and institutions of higher education shall convene  
2 the council to study and identify the next steps in developing  
3 ethnic studies curricula in public schools.

4 B. The secretary of public education shall appoint  
5 the members of the ethnic studies council, which may include  
6 representatives from each of the following:

7 (1) university and public school ethnic  
8 studies programs, including Africana, Native American and  
9 Chicana and Chicano studies;

10 (2) professional or community organizations  
11 that promote Native American, African American, Chicana,  
12 Chicano and Latino education and the education of distinct  
13 underrepresented cultural and ethnic groups;

14 (3) colleges of education and institutions of  
15 teacher preparation;

16 (4) the office on African American affairs;

17 (5) the Indian affairs department;

18 (6) the all pueblo council of governors;

19 (7) public schools;

20 (8) the public education department's Hispanic  
21 education liaison;

22 (9) the director of the Indian education  
23 division of the public education department or the director's  
24 designee;

25 (10) the director of the language and culture

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1 bureau of the public education department or the director's  
2 designee;

3 (11) the deputy secretary for identity, equity  
4 and transformation of the public education department;

5 (12) the director of special education of the  
6 public education department;

7 (13) a legislator appointed by the speaker of  
8 the New Mexico house of representatives;

9 (14) a legislator appointed by the house  
10 minority leader of the New Mexico house of representatives;

11 (15) a legislator appointed by the president  
12 pro tempore of the New Mexico senate;

13 (16) a legislator appointed by the senate  
14 minority leader of the New Mexico senate;

15 (17) teachers' unions; and

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

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

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

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