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HOUSE BILL 44

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

Elizabeth "Liz" Thomson and Deborah A. Armstrong and  
G. Andrés Romero

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO EDUCATION; REQUIRING PUBLIC SCHOOLS AND PUBLIC AND  
PRIVATE POST-SECONDARY EDUCATIONAL INSTITUTIONS TO ADOPT  
POLICIES AND PROCEDURES ADDRESSING AFFIRMATIVE CONSENT AND  
PREVENTION OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING  
VIOLENCE, HARASSMENT AND STALKING; AMENDING THE PUBLIC SCHOOL  
CODE TO INCLUDE A REQUIREMENT TO SET AFFIRMATIVE CONSENT AS THE  
STANDARD FOR SEXUAL ACTIVITY.

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

SECTION 1. [NEW MATERIAL] POLICIES ADDRESSING AFFIRMATIVE  
CONSENT AND PREVENTION OF SEXUAL ASSAULT, DOMESTIC VIOLENCE,  
DATING VIOLENCE, HARASSMENT AND STALKING REQUIRED.--

A. A public or private post-secondary educational  
institution that receives state funds for student financial  
assistance shall adopt detailed, trauma-informed policies and

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1 trauma-informed responses for the investigation of allegations  
2 of sexual assault, domestic violence, dating violence and  
3 harassment or stalking involving a student, faculty member,  
4 employee, contractor or regent both on and off campus.

5 B. All policies and procedures shall:

6 (1) reference an affirmative consent standard  
7 in the determination of whether consent was given by all  
8 parties to sexual activity;

9 (2) confirm that it is the responsibility of  
10 each person involved in the sexual activity to ensure that the  
11 person has the affirmative consent of all other participants  
12 engaged in that sexual activity;

13 (3) confirm that affirmative consent:

14 (a) can never be given by a person who  
15 is asleep, unconscious, incapacitated due to the influence of  
16 drugs, alcohol or medication or unable to communicate due to a  
17 mental or physical condition;

18 (b) cannot be implied, assumed or  
19 inferred from silence or lack of protest or resistance; and

20 (c) can be revoked at any time; and

21 (4) confirm that the existence of a dating  
22 relationship between the persons involved, or the fact of past  
23 sexual relations between them, shall never by itself be assumed  
24 to be an indicator of consent.

25 C. The standard to be used in determining whether

1 the elements of the complaint against the responding party have  
2 been demonstrated is the preponderance of the evidence.

3 D. Policies shall include a:

4 (1) provision addressing how the institution  
5 will provide appropriate protections for the privacy of  
6 individuals involved, including confidentiality;

7 (2) provision that all parties and witnesses  
8 who participate as a complainant or witness in an investigation  
9 will not be subject to disciplinary sanctions for a violation  
10 of the school's student conduct policy at or near the time of  
11 the incident, unless the school determines that the violation  
12 was egregious, including an action that places the health or  
13 safety of any other person at risk or involves plagiarism,  
14 cheating or academic dishonesty;

15 (3) description of the role of the  
16 institutional staff supervision; and

17 (4) provision for a comprehensive, trauma-  
18 informed response training program for campus officials  
19 involved in investigating and adjudicating sexual assault,  
20 domestic violence, dating violence and harassment or stalking  
21 cases.

22 E. Procedures shall include:

23 (1) an initial response by the institution's  
24 personnel to a report of an incident, including:

25 (a) providing written notification to

1 the complainant about the availability of, and contact  
2 information for, on- and off-campus resources and services and  
3 coordination with law enforcement, as appropriate;

4 (b) providing information in writing to  
5 the complainant about the importance of preserving evidence;

6 (c) the identification and location of  
7 witnesses;

8 (d) response to stranger and non-  
9 stranger sexual assault;

10 (e) a preliminary complainant interview;

11 and

12 (f) a comprehensive follow-up  
13 complainant interview, as appropriate;

14 (2) investigation of the complaint, including:

15 (a) contacting and interviewing the  
16 responding party;

17 (b) seeking the identification and  
18 location of witnesses;

19 (c) investigating allegations that  
20 alcohol or drugs were involved in the incident; provided that  
21 these allegations cannot be used against the complainant during  
22 the process of investigating the complaint; and

23 (d) participation of complainant  
24 advocates and other support persons;

25 (3) confidential reporting by complainants and

1 third parties; and

2 (4) evaluating complaints as appropriate.

3 F. Public or private post-secondary educational  
4 institutions that receive state funds for student financial  
5 assistance shall:

6 (1) enter into memoranda of understanding,  
7 agreements or collaborative partnerships with existing on-  
8 campus and community-based organizations, including rape crisis  
9 centers, to refer students for assistance or make services  
10 available to students, including counseling, health care,  
11 mental health care, complainant advocacy, legal assistance and  
12 resources for the responding party and the complainant at no  
13 cost; and

14 (2) implement comprehensive prevention and  
15 outreach programs that:

16 (a) include a range of prevention  
17 strategies, including empowerment programming, awareness-  
18 raising campaigns, primary prevention, bystander intervention  
19 and risk reduction;

20 (b) make students aware of the  
21 institution's policy on sexual assault, domestic violence,  
22 dating violence and harassment or stalking by contacting and  
23 informing the student body, campus organizations, athletic  
24 programs and student groups about the institution's policy, the  
25 practical implications of an affirmative consent standard and

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1 the rights and responsibilities of students under the policy;  
2 and

3 (c) are included as part of every  
4 incoming student's orientation.

5 G. For purposes of this section:

6 (1) "affirmative consent" means affirmative,  
7 conscious and voluntary agreement to engage in sexual activity;

8 (2) "complainant" means a student or employee  
9 who reports having experienced an incident of sexual assault,  
10 domestic violence, dating violence or harassment or stalking to  
11 the institution;

12 (3) "dating violence" means violence committed  
13 by a person:

14 (a) who is or has been in a social  
15 relationship of a romantic or intimate nature with the  
16 complainant; and

17 (b) where the existence of such a  
18 relationship shall be determined based on the length of the  
19 relationship, the type of relationship and the frequency of  
20 interaction between the persons involved in the relationship;

21 (4) "domestic violence" means domestic abuse  
22 as defined in Section 40-13-2 NMSA 1978 or crimes against  
23 household members described in Sections 30-3-12 through 30-3-16  
24 NMSA 1978;

25 (5) "harassment or stalking" means harassment,

1 stalking and aggravated stalking as described in Sections  
2 30-3A-2 through 30-3A-3.1 NMSA 1978;

3 (6) "post-secondary educational institution"  
4 means a public, private, nonprofit or for-profit school  
5 chartered, incorporated or otherwise organized in this state  
6 that is legally authorized to award a vocational or technical  
7 certificate or a degree at an associate level or above with an  
8 established physical presence in this state;

9 (7) "responding party" means a student or  
10 employee who has been accused of an alleged incident of sexual  
11 assault, domestic violence, dating violence or harassment or  
12 stalking;

13 (8) "sexual assault" means sexual offenses  
14 described in Sections 30-9-11 through 30-9-14 and 30-9-14.3  
15 NMSA 1978;

16 (9) "student" means an individual who is  
17 enrolled in a credit-bearing program through a public or  
18 private degree-granting post-secondary educational institution,  
19 whether part-time, full-time or as an extension student or who  
20 has taken a leave of absence or has withdrawn from the  
21 institution due to being a victim of sexual assault, domestic  
22 violence, dating violence or harassment or stalking;

23 (10) "trauma-informed policy" means a program  
24 or system that considers the widespread impact of trauma and  
25 understands potential paths for recovery; recognizes the signs

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1 and symptoms of trauma in clients, families, staff and others  
2 involved with the system; responds by fully integrating  
3 knowledge about trauma into policies, procedures and practices;  
4 and seeks to actively resist retraumatization; and

5 (11) "trauma-informed response" means a  
6 response involving an understanding of the complexities of  
7 dating violence, domestic violence, sexual assault and  
8 harassment or stalking through training centered on the  
9 neurobiological impact of trauma, the influence of societal  
10 myths and stereotypes surrounding the causes and impacts of  
11 trauma with an understanding of perpetration methodology and  
12 how to conduct an effective investigation.

13 SECTION 2. A new section of Chapter 22, Article 2 NMSA  
14 1978 is enacted to read:

15 "[NEW MATERIAL] ADDITIONAL DEPARTMENT DUTIES--SEXUAL  
16 ASSAULT POLICIES.--

17 A. The department shall adopt detailed, trauma-  
18 informed policies and trauma-informed responses for the  
19 investigation of and disciplinary procedures addressing  
20 allegations of sexual assault, domestic violence, dating  
21 violence and harassment or stalking involving a student,  
22 faculty member, employee, school volunteer or contractor both  
23 on and off campus.

24 B. All policies and procedures shall:

25 (1) reference an affirmative consent standard

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1 in the determination of whether consent was given by all  
2 parties to sexual activity;

3 (2) confirm that it is the responsibility of  
4 each person involved in the sexual activity to ensure that the  
5 person has the affirmative consent of all other participants  
6 engaged in that sexual activity;

7 (3) confirm that affirmative consent:

8 (a) can never be given by a person who  
9 is asleep, unconscious, incapacitated due to the influence of  
10 drugs, alcohol or medication or unable to communicate due to a  
11 mental or physical condition;

12 (b) cannot be implied, assumed or  
13 inferred from silence or lack of protest or resistance; and

14 (c) is ongoing throughout a sexual  
15 activity and can be revoked at any time; and

16 (4) confirm that the existence of a dating  
17 relationship between the persons involved, or the fact of past  
18 sexual relations between them, should never by itself be  
19 assumed to be an indicator of consent.

20 C. The standard to be used in determining whether  
21 the elements of the complaint against the respondent have been  
22 demonstrated is the preponderance of the evidence.

23 D. Policies shall include a:

24 (1) provision addressing how the school will  
25 provide appropriate protections for the privacy of individuals

1 involved, including confidentiality;

2 (2) provision that an individual who  
3 participates as a complainant or witness in an investigation  
4 will not be subject to disciplinary sanctions for a violation  
5 of the school's student conduct policy at or near the time of  
6 the incident;

7 (3) description of the role of the school  
8 staff supervision; and

9 (4) provision for a comprehensive, trauma-  
10 informed training program for school officials involved in  
11 investigating and adjudicating sexual assault, domestic  
12 violence, dating violence and harassment or stalking cases.

13 E. Procedures shall include:

14 (1) an initial response by the school's  
15 personnel to a report of an incident, including:

16 (a) written notification to the  
17 complainant about the availability of, and contact information  
18 for, on- and off-campus resources and services and coordination  
19 with law enforcement, as appropriate;

20 (b) providing information in writing to  
21 the complainant about the importance of preserving evidence;

22 (c) the identification and location of  
23 witnesses;

24 (d) response to stranger and non-  
25 stranger sexual assault;

1 (e) a preliminary complainant interview;  
2 and

3 (f) a comprehensive follow-up  
4 complainant interview, as appropriate;

5 (2) investigation of the complaint, including:

6 (a) contacting and interviewing the  
7 responding party;

8 (b) seeking the identification and  
9 location of witnesses;

10 (c) investigating allegations that  
11 alcohol or drugs were involved in the incident; provided that  
12 these allegations cannot be used against the complainant during  
13 the process of investigating the complaint; and

14 (d) participation of complainant  
15 advocates and other support persons;

16 (3) confidential reporting by complainants and  
17 third parties; and

18 (4) evaluating complaints and taking  
19 disciplinary action as appropriate.

20 F. Schools shall, to the extent feasible:

21 (1) enter into memoranda of understanding,  
22 agreements or collaborative partnerships with existing on-  
23 campus and community-based organizations, including rape crisis  
24 centers, to refer students for assistance or make services  
25 available to students, including counseling, health care,

1 mental health care, complainant advocacy, legal assistance and  
2 resources for the responding party and the complainant at no  
3 cost; and

4 (2) implement comprehensive prevention and  
5 outreach programs addressing affirmative consent, sexual  
6 assault, domestic violence, dating violence and harassment or  
7 stalking that:

8 (a) include a range of prevention  
9 strategies, including empowerment programming, awareness-  
10 raising campaigns, primary prevention, bystander intervention  
11 and risk reduction;

12 (b) make students aware of the policy on  
13 sexual assault, domestic violence, dating violence and  
14 harassment or stalking by contacting and informing the student  
15 body, campus organizations, athletic programs and student  
16 groups about the school's sexual assault policy, the practical  
17 implications of an affirmative consent standard and the rights  
18 and responsibilities of students under the policy; and

19 (c) are included as part of every  
20 incoming student's orientation.

21 G. For purposes of this section:

22 (1) "affirmative consent" means affirmative,  
23 conscious and voluntary agreement to engage in sexual activity;

24 (2) "complainant" means a student or employee  
25 who reports having experienced an incident of sexual assault,

1 domestic violence, dating violence or harassment or  
2 stalking to the institution;

3 (3) "dating violence" means violence committed  
4 by a person:

5 (a) who is or has been in a social  
6 relationship of a romantic or intimate nature with the  
7 complainant; and

8 (b) where the existence of such a  
9 relationship shall be determined based on the length of the  
10 relationship, the type of relationship and the frequency of  
11 interaction between the persons involved in the relationship;

12 (4) "domestic violence" means domestic abuse  
13 as defined in Section 40-13-2 NMSA 1978 or crimes against  
14 household members described in Sections 30-3-12 through 30-3-16  
15 NMSA 1978;

16 (5) "harassment or stalking" means harassment,  
17 stalking and aggravated stalking as described in Sections  
18 30-3A-2 through 30-3A-3.1 NMSA 1978;

19 (6) "responding party" means a student or  
20 employee who has been accused of an alleged incident of sexual  
21 assault, domestic violence, dating violence or harassment or  
22 stalking;

23 (7) "sexual assault" means sexual offenses  
24 described in Sections 30-9-11 through 30-9-14 and 30-9-14.3  
25 NMSA 1978;

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1 (8) "trauma-informed policy" means a program  
2 or system that considers the widespread impact of trauma and  
3 understands potential paths for recovery; recognizes the signs  
4 and symptoms of trauma in clients, families, staff and others  
5 involved with the system; responds by fully integrating  
6 knowledge about trauma into policies, procedures and practices;  
7 and seeks to actively resist retraumatization; and

8 (9) "trauma-informed response" means a  
9 response involving an understanding of the complexities of  
10 dating violence, domestic violence, sexual assault and  
11 harassment or stalking through training centered on the  
12 neurobiological impact of trauma, the influence of societal  
13 myths and stereotypes surrounding the causes and impacts of  
14 trauma with an understanding of perpetration methodology and  
15 how to conduct an effective investigation."

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

18 "22-13-1.1. GRADUATION REQUIREMENTS.--

19 A. At the end of grades eight through eleven, each  
20 student shall prepare an interim next-step plan that sets forth  
21 the coursework for the grades remaining until high school  
22 graduation. Each year's plan shall explain any differences  
23 from previous interim next-step plans, shall be filed with the  
24 principal of the student's high school and shall be signed by  
25 the student, the student's parent and the student's guidance

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1 counselor or other school official charged with coursework  
2 planning for the student.

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

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

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

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

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

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

5 E. The secretary shall:

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

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

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

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

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

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

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1 units shall be as follows:

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

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

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

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

14 (5) one unit in physical education;

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

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

21 (8) nine elective units and seven and one-half  
22 elective units for students entering the ninth grade in the  
23 2005-2006 school year that meet department content and  
24 performance standards. Student service learning shall be  
25 offered as an elective. Financial literacy shall be offered as

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

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

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

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

23 (1) four units in English, with major emphasis  
24 on grammar, nonfiction writing and literature; provided that  
25 department-approved work-based training or career and technical

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1 education courses that meet state English academic content and  
2 performance standards shall qualify as one of the four required  
3 English units;

4 (2) four units in mathematics, of which one  
5 shall be the equivalent to or higher than the level of algebra  
6 2, unless the parent submitted written, signed permission for  
7 the student to complete a lesser mathematics unit; and provided  
8 that a financial literacy course or department-approved work-  
9 based training or career and technical education course that  
10 meets state mathematics academic content and performance  
11 standards shall qualify as one of the four required mathematics  
12 units;

13 (3) three units in science, two of which shall  
14 have a laboratory component; provided that department-approved  
15 work-based training or career and technical education courses  
16 that meet state science academic content and performance  
17 standards shall qualify as one of the three required science  
18 units;

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

23 (5) one unit in physical education, as  
24 determined by each school district, which may include a  
25 physical education program that meets state content and

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1 performance standards or participation in marching band, junior  
2 reserve officers' training corps or interscholastic sports  
3 sanctioned by the New Mexico activities association or any  
4 other co-curricular physical activity;

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

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

15 K. ~~[For students entering the eighth grade in the~~  
16 ~~2012-2013 school year]~~ A course in health education is required  
17 for each student prior to graduation. Health education may be  
18 required in either middle school or high school, as determined  
19 by the school district. ~~[Each school district shall submit to~~  
20 ~~the department by the beginning of the 2011-2012 school year a~~  
21 ~~health education implementation plan for the 2012-2013 and~~  
22 ~~subsequent school years, including in which grade health~~  
23 ~~education will be required and how the course aligns with~~  
24 ~~department content and performance standards]~~ Health education  
25 courses shall include:

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1 (1) age-appropriate prevention and awareness  
2 of sexual abuse and assault [~~awareness and prevention~~] training  
3 that:

4 (a) meets department standards developed  
5 in consultation with the federal centers for disease control  
6 and prevention [~~that are~~];

7 (b) is based on evidence-based methods  
8 that have proven to be effective; and

9 (c) includes a standard of affirmative  
10 consent defined as an affirmative, conscious and voluntary  
11 agreement to engage in sexual activity and emphasizes that: 1)  
12 it is the responsibility of each person involved in the sexual  
13 activity to ensure that the person has the affirmative consent  
14 of all other participants engaged in that sexual activity; 2)  
15 affirmative consent cannot be implied, assumed or inferred from  
16 silence or lack of protest or resistance; 3) affirmative  
17 consent is ongoing throughout a sexual activity and can be  
18 revoked at any time; 4) the existence of a dating relationship  
19 between the persons involved, or the fact of past sexual  
20 relations between them, should never be assumed to be an  
21 indicator of consent; and 5) affirmative consent can never be  
22 given by a person who is asleep, unconscious, incapacitated due  
23 to the influence of drugs, alcohol or medication or unable to  
24 communicate due to a mental or physical condition; and

25 (2) lifesaving skills training that follows

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

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

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

17 L. For students entering the ninth grade in the  
18 2017-2018 school year and subsequent school years:

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

25 (2) one of the units in science required by

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1 Paragraph (3) of Subsection J of this section may comprise a  
2 computer science course if taken after the student demonstrates  
3 competence in science and if the course is not used to satisfy  
4 any part of the requirement set forth in Paragraph (2) of that  
5 subsection.

6 M. Final examinations shall be administered to all  
7 students in all classes offered for credit.

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

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1 year in which completion and examination occur.

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

.221197.2



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P. 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;

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

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

11 (a) advanced placement or honors  
12 courses;

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

15 (c) distance learning courses;

16 (d) career-technical courses; and

17 (e) pre-apprenticeship programs.

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

21 SECTION 4. APPLICABILITY.--The provisions of Section 3 of  
22 this act apply to students entering the ninth grade in the  
23 2022-2023 school year and subsequent school years. A student  
24 who took and passed a health education course prior to the  
25 implementation of this act shall be allowed to have that health

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1 education course count toward the student's graduation  
2 requirements.

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