

HOUSE BILL 126

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

G. Andrés Romero and T. Ryan Lane

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; CHANGING GRADUATION REQUIREMENTS FOR STUDENTS ENTERING NINTH GRADE IN THE 2024-2025 SCHOOL YEAR.

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

SECTION 1. 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--NEXT-STEP PLANS--GRADUATE PROFILES.--"

.223421.4AIC February 22, 2023 (2:23pm)

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A. The purpose of the New Mexico diploma of excellence is to demonstrate that a student is ready for success in post-secondary education, gainful employment and citizenship and is equipped with the skills to be a lifelong learner. The purpose of the state's minimum graduation requirements is to establish rigorous expectations to support that success.

B. School districts and charter schools are encouraged to make available courses and programs of study that allow students to pursue a range of post-secondary opportunities, workforce opportunities and knowledge in entrepreneurship principles, as determined by the student's next-step plan and the school district or charter school's graduate profile.

[A-] C. 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 be aligned to the graduate profile of the student's school district or charter school, 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-] D. Each student must complete a final next-

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step plan during the senior year and prior to graduation. The plan shall be aligned to the graduate profile of the student's school district or charter school, 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.

[G-] E. An individualized education program that meets the requirements of Subsections [~~A and B~~] C and D 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-] F. A local school board or governing body of a charter school 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

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different post-high-school options; and

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

~~[E.]~~ G. The secretary shall:

(1) establish specific accountability standards for administrators, counselors, teachers and school district or charter school 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.]~~ H. 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:~~

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~~(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~~

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~~electives. Media literacy may be offered as an elective.~~

~~H.]~~ I. 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.

~~[F.]~~ J. 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.]~~ K. 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; provided that department-approved work-based training or career and technical education courses that meet state English academic content

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performance standards shall qualify as one of the four required English units;

(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 or department-approved work-based training or career and technical education 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; provided that department-approved work-based training or career and technical education courses that meet state science academic content and performance standards shall qualify as one of the three required science units;

(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 or charter school, which may include a physical education program that meets state content and performance standards or participation in marching band,

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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-] L. 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 or charter school. [~~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

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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 or charter school that the school district or charter school 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.

[~~E~~] M. For students entering the ninth grade in the 2017-2018 school year and subsequent school years:

(1) one of the units in mathematics required

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by Paragraph (2) of Subsection [J] K of this section may comprise a computer science course if taken after the student demonstrates competence in mathematics and if the course is not used to satisfy any part of the requirement set forth in Paragraph (3) of that subsection; and

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

[M-] N. Final examinations shall be administered to all students in all classes offered for credit.

~~[N. 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~~

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~~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.]~~

0. 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

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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.

P. Beginning with students entering the ninth grade in the 2024-2025 school year, successful completion of a minimum of twenty-two units aligned to the state academic content and performance standards shall be required for graduation and the award of a New Mexico diploma of excellence. These units shall be as follows:

(1) four units in English, which must include a sequence of three units; provided that department-approved work-based learning, career technical education or English language development courses that meet state English or English language development academic content and performance standards may qualify as required English units;

(2) four units in mathematics, two of which shall include a sequence of algebra 1 and geometry or another integrated pathway of mathematics equivalent to algebra 1 and geometry; provided that department-approved work-based learning or career technical education courses that meet state mathematics academic and performance standards may qualify as

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required mathematics units Hf11→; and provided further that algebra II shall be offered as a mathematics course←Hf11 ;

(3) three units in science, two of which shall have a laboratory component; provided that department-approved work-based learning or career technical education courses that meet state science academic content and performance standards may qualify as required science units;

(4) four units in social science, which include United States history and geography, which course content contains New Mexico history; government and economics Hf11→and personal financial literacy←Hf11 , which course content contains civics; and world history and geography;

(5) one-half unit in physical education, as determined by the school district or charter school, which may include a physical education program that meets state academic 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-half unit in health education;

(7) four elective units that meet department academic content and performance standards and that must include a two-unit pathway concentration of the student's choice in Hf11→world language←Hf11 Hf11→a language other than English←Hf11 , fine arts, health, military career preparation,

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career technical education, community learning or a capstone course or work-based learning Hf11→; provided that financial literacy, computer science, student service learning, career technical education courses and a sequence of languages other than English shall be offered as electives; and provided further that media literacy and pre-apprenticeship programs may be offered as electives←Hf11 ; and

(8) two units set by each local school board or governing body of a charter school that meet department academic content and performance standards.

Q. If a high school student who has taken one or both units provided in Paragraph (8) of Subsection P of this section moves from one school district or charter school to another, the receiving school district or charter school shall accept those earned units toward the student's graduation.

R. For students entering the ninth grade in the 2024-2025 school year, one-half unit of health education is required in high school. 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

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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 or charter school that the school district or charter school 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.

S. Nothing in the minimum graduation requirements specified in Subsection P of this section affects:

(1) a school district's or charter school's authority to require more units for graduation than provided in this section; or

(2) a student's opportunity to take advanced placement or honors courses or distance learning courses offered by the public school or dual credit courses offered in

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cooperation with institutions of higher education.

T. Subject to the department's academic content and performance standards and other provisions of this section, every school district and charter school shall develop a graduate profile:

(1) that is specific to each community;

(2) that outlines the core academic competencies and subjects that are key to graduates' post-high school success; and

(3) to which required units are aligned.

U. The department shall adopt and promulgate rules to implement graduation requirements by no later than December 31, 2023. The rules shall include revisions to expand course offerings so that students have access to a range of rigorous academic options and career technical education courses and to establish guidance for the development of graduate profiles.

[P-] V. As used in this section:

(1) "capstone course" means a multifaceted academic and intellectual experience that may take a wide variety of forms and that culminates in a final product or performance and a presentation explaining how the final product or performance explicates the chosen course to an evaluation panel convened by the public school to evaluate the quality of the course and the final product or performance;

[(+)] (2) "career [and] technical education"

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~~[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)~~] (3) "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)~~] (4) "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)~~] (5) "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)~~] (6) "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;

(7) "graduate profile" means a document that a

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school district or charter school uses to specify the cognitive, personal and interpersonal competencies that students should have when they graduate;

[(-6)] (8) "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)] (9) "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~~] career technical courses; and
- (e) pre-apprenticeship programs.

[(-)] W. The secretary may establish a policy to provide for administrative interpretations to clarify curricular and testing provisions of the Public School Code."