

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 111

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

INTRODUCED BY

Pamelya Herndon and Meredith A. Dixon

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE HOLOCAUST AND
GENOCIDE STUDIES ACT; PROVIDING HOLOCAUST AND GENOCIDE STUDIES
AS ELECTIVES IN CERTAIN GRADES.

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

SECTION 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 6 of this
act may be cited as the "Holocaust and Genocide Studies Act"."

SECTION 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Holocaust and
Genocide Studies Act:

A. "council" means the Holocaust and genocide
studies council;

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. "genocide" means crimes committed with the
2 intent to destroy a national, ethnic, racial or religious group
3 in whole or in part;

4 C. "Holocaust" means the systematic, bureaucratic,
5 state-sponsored persecution and murder of approximately six
6 million Jewish people and five million other persons by the
7 Nazi regime and its collaborators; and

8 D. "Holocaust and genocide studies" means courses
9 covering the Holocaust, genocide, other acts of mass violence
10 and human rights and the modern international codification of
11 human rights."

12 SECTION 3. A new section of the Public School Code is
13 enacted to read:

14 "[NEW MATERIAL] HOLOCAUST AND GENOCIDE STUDIES.--School
15 districts and charter schools shall provide age- and grade-
16 appropriate instruction about the Holocaust, genocide and human
17 rights for students in seventh through twelfth grade."

18 SECTION 4. A new section of the Public School Code is
19 enacted to read:

20 "[NEW MATERIAL] HOLOCAUST AND GENOCIDE STUDIES COUNCIL
21 CREATED--DUTIES.--

22 A. The "Holocaust and genocide studies council" is
23 created to advise the department, school districts and charter
24 schools about Holocaust and genocide studies. The council is
25 composed of nine members appointed by the governor who have

.224061.1

1 expertise or interest in the Holocaust and genocide studies.
2 The council shall elect a chair and vice chair. The department
3 shall assist the council as assigned by the secretary. The
4 council shall meet as necessary but at least three times each
5 year. Members of the council who are not paid with public
6 money are entitled to receive per diem and mileage but shall
7 receive no other compensation, perquisite or allowance for
8 their service on the council.

9 B. The council shall:

10 (1) identify sources of instructional content
11 and materials that meet state academic content and performance
12 standards to provide and enhance Holocaust and genocide studies
13 for middle and high school students;

14 (2) identify professional development programs
15 and resources for teachers;

16 (3) promote Holocaust and genocide studies in
17 venues outside of public schools;

18 (4) make recommendations to the department on
19 improvements to the academic content and performance standards
20 for Holocaust and genocide studies;

21 (5) monitor public school, community and state
22 data on bullying, incidences of violence involving racial or
23 sexual animus and human rights violations and make
24 recommendations to the secretary, the governor and the
25 legislature on strategies and methods for improvements; and

underscored material = new
~~[bracketed material] = delete~~

1 (6) submit an annual report to the governor
2 and legislature on the status of Holocaust and genocide studies
3 in the state."

4 SECTION 5. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] HOLOCAUST AND GENOCIDE STUDIES ACADEMIC
7 CONTENT AND PERFORMANCE STANDARDS.--The department, in
8 consultation with the council, shall develop academic content
9 and performance standards for Holocaust and genocide studies
10 to:

11 A. prepare students to confront the immorality of
12 the Holocaust, genocide, other acts of mass violence and human
13 rights violations and to reflect on the causes of related
14 historical events;

15 B. teach the breadth of the history of the
16 Holocaust, including the Third Reich dictatorship and its
17 concentration camp system, the attempt to exterminate every
18 Jewish person in occupied Europe and the persecution of Jewish
19 people and non-Jewish people, Jewish and non-Jewish resistance
20 and post-World War II trials;

21 C. promote students' understanding of the term
22 "genocide", coined to describe the intent behind the Holocaust;
23 the United Nations' 1948 Convention on the Prevention and
24 Punishment of the Crime of Genocide, the treaty that was
25 intended to prevent future genocides; and the genocides that

.224061.1

1 have continued since that landmark international law;

2 D. develop students' respect for cultural diversity
3 and help students gain insight into the importance of the
4 protection of international human rights for all people;

5 E. communicate the impact of personal
6 responsibility, civic engagement and societal responses;

7 F. stimulate students' reflection on the roles and
8 responsibilities of citizens in democratic societies to combat
9 misinformation, indifference and discrimination through
10 development of critical thinking skills and through tools of
11 resistance such as protest, reform and celebration;

12 G. provide students with opportunities to
13 contextualize and analyze patterns of human behavior by
14 individuals and groups that belong in one or more categories,
15 including perpetrator, collaborator, bystander, victim and
16 rescuer;

17 H. enable students to understand the ramifications
18 of prejudice, racism and stereotyping;

19 I. preserve the memories of survivors of genocide
20 and provide opportunities for students to discuss and honor
21 survivors' cultural legacies;

22 J. provide students with a foundation for examining
23 the history of discrimination and atrocities in New Mexico; and

24 K. explore the various mechanisms of transitional
25 and restorative justice that help humanity move forward in the

underscored material = new
[bracketed material] = delete

1 aftermath of genocide."

2 SECTION 6. A new section of the Public School Code is
3 enacted to read:

4 "[NEW MATERIAL] PROFESSIONAL DEVELOPMENT--REPORTING.--

5 A. Each school district and charter school shall
6 provide professional development opportunities for teachers in
7 seventh through twelfth grades that provide Holocaust and
8 genocide studies.

9 B. The department shall report annually to the
10 council:

11 (1) the number of public schools offering age-
12 and grade-appropriate elective Holocaust and genocide studies;
13 and

14 (2) the number of elective courses offered,
15 the grade levels at which age- and grade-appropriate courses
16 are offered and the number and grades of students who take the
17 courses."

18 SECTION 7. Section 22-13-1 NMSA 1978 (being Laws 2003,
19 Chapter 153, Section 57, as amended by Laws 2016, Chapter 17,
20 Section 1 and by Laws 2016, Chapter 18, Section 1) is amended
21 to read:

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

24 A. The department shall require public schools to
25 address department-approved academic content and performance

.224061.1

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

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

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

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

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

24 (2) mathematics;

25 (3) language other than English;

- 1 (4) communication skills;
- 2 (5) science;
- 3 (6) art;
- 4 (7) music;
- 5 (8) social studies;
- 6 (9) New Mexico history;
- 7 (10) United States history;
- 8 (11) geography;
- 9 (12) physical education; and
- 10 (13) 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. Beginning with the 2024-2025 school
20 year, in seventh and eighth grades, Holocaust and genocide
21 studies may 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:

underscored material = new
~~[bracketed material] = delete~~

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 SECTION 8. Section 22-13-1.1 NMSA 1978 (being Laws 1986,
24 Chapter 33, Section 5, as amended) is amended to read:

25 "22-13-1.1. GRADUATION REQUIREMENTS.--

.224061.1

underscoring material = new
~~[bracketed material] = delete~~

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

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

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

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

.224061.1

1 informed about:

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

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

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

12 E. The secretary shall:

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

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

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

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

.224061.1

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

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

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

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

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

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

21 (5) one unit in physical education;

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

25 (7) one-half unit in New Mexico history for

1 students entering the ninth grade beginning in the 2005-2006
2 school year; and

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

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

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

23 J. Successful completion of the requirements of the
24 New Mexico diploma of excellence shall be required for
25 graduation for students entering the ninth grade beginning in

.224061.1

underscoring material = new
~~[bracketed material] = delete~~

1 the 2009-2010 school year. Successful completion of a minimum
2 of twenty-four units aligned to the state academic content and
3 performance standards shall be required to earn a New Mexico
4 diploma of excellence. These units shall be as follows:

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

11 (2) four units in mathematics, of which one
12 shall be the equivalent to or higher than the level of algebra
13 2, unless the parent submitted written, signed permission for
14 the student to complete a lesser mathematics unit; and provided
15 that a financial literacy course or department-approved work-
16 based training or career and technical education course that
17 meets state mathematics academic content and performance
18 standards shall qualify as one of the four required mathematics
19 units;

20 (3) three units in science, two of which shall
21 have a laboratory component; provided that department-approved
22 work-based training or career and technical education courses
23 that meet state science academic content and performance
24 standards shall qualify as one of the three required science
25 units;

.224061.1

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

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

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

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

22 K. For students entering the eighth grade in the
23 2012-2013 school year, a course in health education is required
24 prior to graduation. Health education may be required in
25 either middle school or high school, as determined by the

1 school district. Each school district shall submit to the
2 department by the beginning of the 2011-2012 school year a
3 health education implementation plan for the 2012-2013 and
4 subsequent school years, including in which grade health
5 education will be required and how the course aligns with
6 department content and performance standards. Health education
7 courses shall include:

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

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

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

1 pursuant to this paragraph; and

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

5 L. For students entering the ninth grade in the
6 2017-2018 school year and subsequent school years:

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

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

19 M. For students entering the ninth grade in the
20 2024-2025 school year, Holocaust and genocide studies shall be
21 offered as an elective.

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

24 [~~N.~~] O. Until July 1, 2010, a student who has not
25 passed a state graduation examination in the subject areas of

underscored material = new
~~[bracketed material]~~ = delete

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

19 [Ø.] P. Beginning with the 2010-2011 school year, a
20 student shall not receive a New Mexico diploma of excellence if
21 the student has not demonstrated competence in the subject
22 areas of mathematics, reading and language arts, writing,
23 social studies and science, including a section on the
24 constitution of the United States and the constitution of New
25 Mexico, based on a standards-based assessment or assessments or

.224061.1

underscoring material = new
~~[bracketed material] = delete~~

1 a portfolio of standards-based indicators established by the
2 department by rule. The standards-based assessments required
3 in Section 22-2C-4 NMSA 1978 may also serve as the assessment
4 required for high school graduation. If a student exits from
5 the school system at the end of grade twelve without having
6 satisfied the requirements of this subsection, the student
7 shall receive an appropriate state certificate indicating the
8 number of credits earned and the grade completed. If within
9 five years after a student exits from the school system the
10 student satisfies the requirements of this subsection, the
11 student may receive a New Mexico diploma of excellence. Any
12 student satisfying the requirements of this subsection and
13 completing all other requirements within five years of entering
14 ninth grade, including a final summer session if completed by
15 August 1, may be counted by the school system in which the
16 student is enrolled as a high school graduate for the year in
17 which all requirements are satisfied.

18 [P.] Q. As used in this section:

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

.224061.1

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

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

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

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

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

22 (7) "next-step plan" means an annual personal
23 written plan of studies developed by a student in a public
24 school or other state-supported school or institution in
25 consultation with the student's parent and school counselor or

underscoring material = new
~~[bracketed material] = delete~~

1 other school official charged with coursework planning for the
2 student that includes one or more of the following:

3 (a) advanced placement or honors
4 courses;

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

7 (c) distance learning courses;

8 (d) career-technical courses; and

9 (e) pre-apprenticeship programs.

10 [Q+] R. The secretary may establish a policy to
11 provide for administrative interpretations to clarify
12 curricular and testing provisions of the Public School Code."

13 **SECTION 9. EFFECTIVE DATE.**--The effective date of the
14 provisions of this act is July 1, 2023.