

HOUSE BILL 506

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

INTRODUCED BY

Patricia Roybal Caballero

AN ACT

RELATING TO PUBLIC EDUCATION; DEFINING "ETHNIC STUDIES";  
REQUIRING ETHNIC STUDIES THAT MEET PUBLIC EDUCATION DEPARTMENT  
ACADEMIC CONTENT AND PERFORMANCE STANDARDS; 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

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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. Beginning with the 2025-2026 school year, students in  
13 kindergarten through third grade shall have grade-appropriate  
14 instruction on ethnic studies relating to New Mexico history.

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

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

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

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- 1 (2) mathematics;
- 2 (3) language other than English;
- 3 (4) communication skills;
- 4 (5) science;
- 5 (6) art;
- 6 (7) music;
- 7 (8) social studies;
- 8 (9) ethnic studies, beginning with the

9 2025-2026 school year;

- 10 [~~(9)~~] (10) New Mexico history;
- 11 [~~(10)~~] (11) United States history;
- 12 [~~(11)~~] (12) geography;
- 13 [~~(12)~~] (13) physical education; and
- 14 [~~(13)~~] (14) health education.

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

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

24 G. In ninth through twelfth grades, instruction  
25 that meets academic content and performance standards shall be

1 provided in health education.

2 H. All health education courses shall include:

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

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

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

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

25 I. As used in this section, "ethnic studies" means

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1 the interdisciplinary study of multiple perspectives through  
2 the examination of social, ethnic, cultural, gender and  
3 historical experiences to build critical thinking skills."

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

6 "22-13-1.1. GRADUATION REQUIREMENTS.--

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

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

22 C. An individualized education program that meets  
23 the requirements of Subsections A and B of this section and  
24 that meets all applicable transition and procedural  
25 requirements of the federal Individuals with Disabilities

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1 Education Act for a student with a disability shall satisfy the  
2 next-step plan requirements of this section for that student.

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

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

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

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

18 E. The secretary shall:

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

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

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1 (3) monitor compliance with the requirements  
2 of this section; and

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

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

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

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

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

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

24 (4) three units in social science, which shall  
25 include United States history and geography, world history and

1 geography and government and economics;

2 (5) one unit in physical education;

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

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

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

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

22 I. The department shall establish a procedure for  
23 students to be awarded credit through completion of specified  
24 career technical education courses for certain graduation  
25 requirements, and districts may choose to allow students who

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1 successfully complete an industry-recognized credential,  
2 certificate or degree to receive additional weight in the  
3 calculation of the student's grade point average.

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

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

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

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1 (3) three units in science, two of which shall  
2 have a laboratory component; provided that department-approved  
3 work-based training or career and technical education courses  
4 that meet state science academic content and performance  
5 standards shall qualify as one of the three required science  
6 units;

7 (4) three and one-half units in social  
8 science, which shall include United States history and  
9 geography, world history and geography, government and  
10 economics and one-half unit of New Mexico history; provided  
11 that for students entering the ninth grade in the 2024-2025  
12 school year, four units in social science, which shall include  
13 United States history and geography, which course content  
14 contains New Mexico history; government and economics, which  
15 course content contains civics; world history and geography;  
16 and one-half unit in ethnic studies;

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

24 (6) one unit in one of the following: a  
25 career cluster course, workplace readiness or a language other

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1 than English; and

2 (7) seven and one-half elective units that  
3 meet department content and performance standards; provided  
4 that for students entering the ninth grade beginning in the  
5 2024-2025 school year, there shall be seven elective units.

6 Career and technical education courses shall be offered as an  
7 elective. Student service learning shall be offered as an  
8 elective. Financial literacy shall be offered as an elective.  
9 Pre-apprenticeship programs may be offered as electives. Media  
10 literacy may be offered as an elective.

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

22 (1) age-appropriate sexual abuse and assault  
23 awareness and prevention training that meets department  
24 standards developed in consultation with the federal centers  
25 for disease control and prevention that are based on evidence-

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1 based methods that have proven to be effective; and

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

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

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

19 L. For students entering the ninth grade in the  
20 2017-2018 school year and subsequent school years:

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

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1 of that subsection; and

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

8 M. Final examinations shall be administered to all  
9 students in all classes offered for credit.

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

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1 completed by August 1, may be counted by the school system in  
2 which the student is enrolled as a high school graduate for the  
3 year in which completion and examination occur.

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

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1 student is enrolled as a high school graduate for the year in  
2 which all requirements are satisfied.

3 P. As used in this section:

4 (1) "career and technical education",  
5 sometimes referred to as "vocational education", means  
6 organized programs offering a sequence of courses, including  
7 technical education and applied technology education, that are  
8 directly related to the preparation of individuals for paid or  
9 unpaid employment in current or emerging occupations requiring  
10 an industry-recognized credential, certificate or degree;

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

15 (3) "career cluster" means a grouping of  
16 occupations in industry sectors based on recognized  
17 commonalities that provide an organizing tool for developing  
18 instruction within the educational system;

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

23 (5) "ethnic studies" means the  
24 interdisciplinary study of multiple perspectives through the  
25 examination of social, ethnic, cultural, gender and historical

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1 experiences to build critical thinking skills;

2 [~~(5)~~] (6) "final next-step plan" means a next-  
3 step plan that shows that the student has committed or intends  
4 to commit in the near future to a four-year college or  
5 university, a two-year college, a trade or vocational program,  
6 an internship or apprenticeship, military service or a job;

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

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

17 (a) advanced placement or honors  
18 courses;

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

21 (c) distance learning courses;

22 (d) career-technical courses; and

23 (e) pre-apprenticeship programs.

24 Q. The secretary may establish a policy to provide  
25 for administrative interpretations to clarify curricular and

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1 testing provisions of the Public School Code."

2 SECTION 3. TEMPORARY PROVISION--ETHNIC STUDIES COUNCIL--  
3 CREATION.--

4 A. The "ethnic studies council" is created. The  
5 legislative education study committee, the public education  
6 department and institutions of higher education shall convene  
7 the council to study and identify the next steps in developing  
8 ethnic studies curricula in public schools.

9 B. The secretary of public education shall appoint  
10 the members of the ethnic studies council, which shall include  
11 representatives from each of the following:

12 (1) university and public school ethnic  
13 studies programs, including Africana, Native American and  
14 Chicana and Chicano studies;

15 (2) professional or community organizations  
16 that promote Native American, African American, Chicana,  
17 Chicano and Latino education and the education of distinct  
18 underrepresented cultural and ethnic groups;

19 (3) colleges of education and institutions of  
20 teacher preparation;

21 (4) the office on African American affairs;

22 (5) the Indian affairs department;

23 (6) the all pueblo council of governors;

24 (7) public schools;

25 (8) the public education department's Hispanic

1 education liaison;

2 (9) the director of the Indian education  
3 division of the public education department or the director's  
4 designee;

5 (10) the director of the language and culture  
6 division of the public education department or the director's  
7 designee;

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

10 (12) the director of special education of the  
11 public education department;

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

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

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

18 (16) a legislator appointed by the minority  
19 floor leader of the New Mexico senate;

20 (17) teachers' unions; and

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

24 C. The chair of the ethnic studies council shall be  
25 elected by the council. The council shall meet at the call of

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1 the chair.

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

6 E. The secretary of public education shall provide  
7 staff support for the ethnic studies council in the performance  
8 of its duties.

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

13 G. Appointed members shall serve until the  
14 expiration date of the ethnic studies council.

15 H. The ethnic studies council shall report its  
16 findings and recommendations to the legislative education study  
17 committee by July 1, 2024.

18 I. The ethnic studies council expires on July 1,  
19 2025."