

1 SENATE BILL 340

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PUBLIC EDUCATION; DEFINING "ETHNIC STUDIES";
12 REQUIRING ETHNIC STUDIES THAT MEET PUBLIC EDUCATION DEPARTMENT
13 ACADEMIC CONTENT AND PERFORMANCE STANDARDS; PROVIDING FOR AN
14 ETHNIC STUDIES COUNCIL TO ASSIST THE DEPARTMENT WITH CURRICULUM
15 DEVELOPMENT.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. 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

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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;

- 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

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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

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

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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."