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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>SB258/aSHPAC</u>	Sponsor	<u>Charley/Gurrola</u>
Tracking Number	<u>.228998.2</u>	Committee Referrals	<u>SEC/SFC/SHPAC</u>
Short Title	<u>Human Sexuality Education</u>		
Analyst	<u>Davalos</u>	Original Date	<u>2/13/2025</u>
		Last Updated	<u>3/10/2025</u>

BILL SUMMARY

Synopsis of SHPAC Amendment

The Senate Health and Public Affairs Committee Amendment to SB258 (SB258/aSHPAC) adds language which allows the required one-half unit in health education to be earned in either middle school or high school.

Synopsis of Original Bill

Senate Bill 258 (SB258) would create new human sexuality health education course requirements for students entering seventh grade in the 2027-2028 (SY28) school year and would require one-half credit in high school health education for graduation for students entering ninth grade in SY28.

In middle school, SB258 would require age-appropriate human sexuality education aligned with Public Education Department (PED) academic content and performance standards. Local school boards and charter school governing bodies would be required to determine the grade level in middle school during which health education will be offered. Parents may opt for their children to be excluded from health education in middle school. PED would be required to establish qualifications for instructors, including conditions under which school nurses, health or science teachers, and athletic department personnel, or any qualified person or community organization may provide health education. PED would also be required to approve curricula and instructional materials.

SB258 would also change high school graduation requirements, amending the content in the one-half unit of health education required to graduate for students entering ninth grade in SY28. High school health courses must include human sexuality education and lifesaving skills training, including cardiopulmonary resuscitation (CPR), automated external defibrillator (AED) use, heart attack recognition, and the Heimlich maneuver. Parents may opt out of the human sexuality portion of a health education course for high school students as well.

By the beginning of SY27, school districts and charter schools would be required to submit an implementation plan detailing instructional grades that health courses will be offered, curricula,

and alternative content for excused students. PED would be required to establish academic content and performance standards for human sexuality education, ensuring medically accurate, age-appropriate, objective, and free from stigmatizing language instruction on pregnancy prevention, sexually transmitted infections (STIs), pregnancy outcomes, healthy relationships, consent, and sexual violence prevention. PED would also be required to develop a review process and model curricula for qualified instructors by July 1, 2027.

FISCAL IMPACT

SB258/aSHPAC does not contain an appropriation.

SB258/aSHPAC would require PED to develop academic content and performance standards for human sexuality education, approve school district and charter school curricula, and create model curricula for middle and high school levels. This would require staffing resources, curriculum experts, and potential external consultants. PED would also need to establish and enforce regulations for instructor qualifications, instructional materials, and implementation plans.

School districts and charter schools would need to review, adopt, and align their health education curricula with PED-approved standards, likely requiring new instructional materials and teacher training. School districts and charter schools would also need to ensure they can offer health education in middle school or high school. To comply with instructor qualifications, schools may need to train existing health or science teachers or hire additional qualified educators, including school nurses or community-based instructors. Additionally, school districts and charter schools may need to develop and implement alternative instructional content for students excused from human sexuality education, increasing administrative workload.

School districts and charter schools receive funding for instructional materials through the state equalization guarantee (SEG), the state's public school funding formula, which could be used for instructional materials specified in SB258. For FY25, the SEG included \$55 million for school districts and charter schools to purchase culturally and linguistically appropriate instructional materials. The House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS) includes \$55 million for school districts and charter schools to purchase culturally and linguistically appropriate instructional materials for eligible students.

SUBSTANTIVE ISSUES

New Mexico Graduation Requirements. Laws 2024, Chapter 2 (House Bill 171) updated New Mexico's graduation requirements for all high school students beginning ninth grade in SY26, as well as for all subsequent cohorts of students. The changes modernized the state's graduation requirements to ensure all students receive a rigorous academic foundation while also allowing requirements to be more responsive to student interests and reflect local contexts. While maintaining the total requirement of 24 units to earn a high school diploma, this law increased unit requirements in core academic subject areas like math, reading, language arts, writing, social studies, and science. One-half unit of health is also required and can be earned in either middle or high school to satisfy graduation requirements. Additionally, school districts and charter schools now set two of the required units for graduation at the local level, with approval from their school board or governing council.

PED is currently preparing for these new graduation requirements to take effect in SY26. Under these new requirements, students can earn credit for health education in either middle or high

school. SB258/aSHPAC upholds the current flexibility, allowing students to complete their health education requirement at either level.

Body of Research. A 2021 [systematic literature review](#) that reviewed 218 studies on comprehensive sex education found high-quality, comprehensive sex education can positively impact health outcomes. The review noted young people are more likely to delay the onset of sexual activity and engage in positive decision-making around sexual health. Researchers also found “if students are able to avoid early pregnancy, [sexually transmitted infections], sexual abuse, and interpersonal violence and harassment, while feeling safe and supported within their school environment, they are more likely to experience academic success, a foundation for future stability.”

A [report](#) from the American Academy of Pediatrics (AAP), a professional organization for pediatricians that focuses on children's health, found comprehensive human sexuality education promotes the health and well-being of children and adolescents. Such education has been shown to prevent and reduce the risks of adolescent pregnancy, human immunodeficiency virus (HIV), and sexually transmitted infections (STIs) among youth, including those with chronic health conditions and disabilities. The report further highlights evidence-based human sexuality education programs that are medically accurate, developmentally appropriate, and culturally sensitive, equip young people with the knowledge and skills necessary to make informed decisions about their sexual health, fostering responsible behaviors and supporting overall well-being.

The New Mexico Department of Health noted that [New Mexico's Health Indicator Data and Statistics](#) from 2010 to 2020 showed that New Mexico's teen pregnancy rate declined by 59 percent. However, a 2020 LFC [report](#) notes teen birth rates in New Mexico remain among the highest in the nation. Additionally, New Mexico adolescents and young adults face significant [sexual health concerns](#), with individuals aged 15–24 representing 56 percent of reported chlamydia cases and 30 percent of gonorrhea cases in the state.

ADMINISTRATIVE IMPLICATIONS

SB258/aSHPAC would require PED to establish rules regarding instructors qualified to teach comprehensive human sexuality education, including school nurses, health or science teachers, athletic department personnel, and other qualified individuals, including community organizations. Additionally, PED may promulgate rules for the approval of curricula and instructional materials related to comprehensive human sexuality education.

Currently, [PED](#) has adopted content standards for health education for kindergarten through fourth grade, fifth through eighth grade, and ninth through 12th grade. The standards include age-appropriate curricula related to sexuality, but PED may need to update content standards to fully implement the provisions of SB258/aSHPAC. SB258/aSHPAC would also require health education to include lifesaving skills training in CPR following national guidelines, training to recognize heart attack symptoms, using an AED, and performing the Heimlich maneuver.

SB258/aSHPAC would introduce a new section in Section 22-13 NMSA 1978, requiring PED to establish academic content and performance standards for comprehensive human sexuality education in middle and high schools. Under SB258/aSHPAC, curriculum and instruction would be required to:

- Provide age-appropriate, medically accurate information on preventing unintended pregnancies and sexually transmitted infections, including HIV and AIDS;
- Address the use of abstinence, contraception, condoms, and other preventive measures, as well as pregnancy outcome options such as adoption, abortion, and parenting;
- Include evidence-based instruction on healthy relationships, communication of consent, prevention of sexual violence, and the effects of alcohol and drug use on decision-making;
- Provide guidance on responding to sexual or physical violence, engage students in discussions regarding family, health, morals, ethics, or religious values, and understanding issues related to gender and sexual orientation; and
- Be presented objectively and unbiasedly, avoiding shame-based or stigmatizing language.

SB258/aSHPAC would require school districts and charter schools to submit a comprehensive human sexuality education implementation plan to PED by the start of SY27. The plan would outline the grades health education would require, propose curricula and instructional materials for PED approval, align with academic standards, and alternative health education topics for students excused from comprehensive human sexuality education.

SB258/aSHPAC would require PED to create a process for reviewing and approving school district curricula for human sexuality education and to develop model curricula for middle and high school students to be accessible for districts or qualified private instructors by July 1, 2027.

RELATED BILLS

Relates to House Bill 517, Free Condoms for Certain Students, which would require public high schools and public postsecondary educational institutions to provide free condoms to students.

Relates to House Bill 558, No Sexuality Explicit Materials in Schools, which would prohibit the presence and use of sexually explicit material in public schools, outlines enforcement measures, including potential penalties for school employees, contractors, or volunteers who violate its provisions.

SOURCES OF INFORMATION

- LESC Files
- Department of Health (DOH)
- New Mexico Regional Education Cooperatives Association (NMRECA)
- New Mexico School for the Blind and Visually Impaired (NMSBVI)
- New Mexico School for the Deaf (NMSD)
- Public Education Department (PED)

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