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AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING SCHOOL DISTRICTS TO PROVIDE FOR INDUSTRY-TAUGHT OR -GUIDED PRE-APPRENTICESHIP PROGRAMS FOR QUALIFIED HIGH SCHOOL STUDENTS; PROVIDING FOR APPROVAL OF PRE-APPRENTICESHIP PROGRAMS, PROVIDERS AND INDUSTRY INSTRUCTORS; EXEMPTING INDUSTRY INSTRUCTORS FROM LICENSURE PROVISIONS; PROVIDING POWERS AND DUTIES.

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.--

A. 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 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. Each student must complete a final next-step plan during the senior year and prior to graduation. The plan shall be filed with the principal of the student's high school and shall be signed by the student, the student's

1 parent and the student's guidance counselor or other school
2 official charged with coursework planning for the student.

3 C. An individualized education program that meets
4 the requirements of Subsections A and B of this section and
5 that meets all applicable transition and procedural
6 requirements of the federal Individuals with Disabilities
7 Education Act for a student with a disability shall satisfy
8 the next-step plan requirements of this section for that
9 student.

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

15 (1) curricular and course options, including
16 honors or advanced placement courses, dual-credit courses,
17 distance learning courses, career clusters,
18 pre-apprenticeship programs or remediation programs that the
19 college and workplace readiness assessments indicate to be
20 appropriate;

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

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

25 E. The secretary shall:

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

5 (2) promulgate rules for accredited private
6 schools in order to ensure substantial compliance with the
7 provisions of this section;

8 (3) monitor compliance with the requirements
9 of this section; and

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

14 F. Successful completion of a minimum of
15 twenty-three units aligned to the state academic content and
16 performance standards shall be required for graduation.
17 These units shall be as follows:

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

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

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

1 which shall have a laboratory component;

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

5 (5) one unit in physical education;

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

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

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

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

25 H. The department shall establish a procedure for

1 students to be awarded credit through completion of specified
2 career technical education courses for certain graduation
3 requirements.

4 I. Successful completion of the requirements of
5 the 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
8 minimum of twenty-four units aligned to the state academic
9 content and performance standards shall be required to earn a
10 New Mexico diploma of excellence. These units shall be as
11 follows:

12 (1) four units in English, with major
13 emphasis on grammar, nonfiction writing and literature;

14 (2) four units in mathematics, of which one
15 shall be the equivalent to or higher than the level of
16 algebra 2, unless the parent submitted written, signed
17 permission for the student to complete a lesser mathematics
18 unit;

19 (3) three units in science, two of which
20 shall have a laboratory component;

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

25 (5) one unit in physical education;

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

4 (7) seven and one-half elective units that
5 meet department content and performance standards. Student
6 service learning shall be offered as an elective. Financial
7 literacy shall be offered as an elective. Pre-apprenticeship
8 programs may be offered as electives.

9 J. Final examinations shall be administered to all
10 students in all classes offered for credit.

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

25 L. Beginning with the 2010-2011 school year, a

1 student shall not receive a New Mexico diploma of excellence
2 if the student has not demonstrated competence in the subject
3 areas of mathematics, reading and language arts, writing,
4 social studies and science, including a section on the
5 constitution of the United States and the constitution of New
6 Mexico, based on a standards-based assessment or assessments
7 or a portfolio of standards-based indicators established by
8 the department by rule. The standards-based assessments
9 required in Section 22-2C-4 NMSA 1978 may also serve as the
10 assessment required for high school graduation. If a student
11 exits from the school system at the end of grade twelve
12 without having satisfied the requirements of this subsection,
13 the student shall receive an appropriate state certificate
14 indicating the number of credits earned and the grade
15 completed. If within five years after a student exits from
16 the school system the student satisfies the requirement of
17 this subsection, the student may receive a New Mexico diploma
18 of excellence.

19 M. As used in this section:

20 (1) "final next-step plan" means a next-step
21 plan that shows that the student has committed or intends to
22 commit in the near future to a four-year college or
23 university, a two-year college, a trade or vocational
24 program, an internship or apprenticeship, military service or
25 a job;

1 (2) "interim next-step plan" means an annual
2 next-step plan in which the student specifies
3 post-high-school goals and sets forth the coursework that
4 will allow the student to achieve those goals; and

5 (3) "next-step plan" means an annual
6 personal written plan of studies developed by a student in a
7 public school or other state-supported school or institution
8 in consultation with the student's parent and school
9 counselor or other school official charged with coursework
10 planning for the student that includes one or more of the
11 following:

12 (a) advanced placement or honors
13 courses;

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

16 (c) distance learning courses;

17 (d) career-technical courses; and

18 (e) pre-apprenticeship programs.

19 N. The secretary may establish a policy to provide
20 for administrative interpretations to clarify curricular and
21 testing provisions of the Public School Code."

22 Section 2. A new section of Chapter 22, Article 14 NMSA
23 1978 is enacted to read:

24 "PRE-APPRENTICESHIP PROGRAMS.--

25 A. As used in this section:

1 (1) "apprenticeable trade" means a skilled
2 trade that possesses the following characteristics:

3 (a) it is customarily learned in a
4 practical way through a structured, systematic program of
5 on-the-job supervised training;

6 (b) it is clearly identified and
7 commonly recognized throughout an industry;

8 (c) it involves manual, mechanical or
9 technical skills and knowledge that require a minimum of two
10 thousand hours of on-the-job work experience; and

11 (d) it requires related instruction to
12 supplement on-the-job training;

13 (2) "apprenticeship" means a formal
14 educational method for training a person in a skilled trade
15 that combines supervised employment with classroom study;

16 (3) "course of instruction" means an
17 organized and systematic program of study designed to provide
18 the pre-apprentice with knowledge of the theoretical subjects
19 related to one or more specific apprenticeable trades and
20 that meets apprenticeship-related instruction requirements;
21 provided that "course of instruction" may include hands-on
22 training but does not include on-the-job training;

23 (4) "industry instructor" means a person who
24 is:

25 (a) working or has worked in an

1 apprenticeable trade for the number of years required by
2 established industry practices of the particular trade to be
3 an industry-recognized expert in the trade; or

4 (b) a career-technical faculty member
5 at a public post-secondary educational institution;

6 (5) "local school board" includes the
7 governing body of a charter school;

8 (6) "pre-apprentice" means a public school
9 student who is enrolled in a pre-apprenticeship program;

10 (7) "pre-apprenticeship program" means a
11 local school board-approved course of instruction offered
12 through a provider that results, upon satisfactory completion
13 of the program, in a certificate of completion that is
14 acceptable to an apprenticeship training program registered
15 with the apprenticeship council; and

16 (8) "provider" means a registered
17 apprenticeship program, an employer of an apprenticeable
18 trade, a union, a trade association, a post-secondary
19 educational institution or other person approved by the local
20 school board to provide a pre-apprenticeship program.

21 B. Any school district or charter school may allow
22 pre-apprenticeship programs to be offered to qualified
23 eleventh and twelfth grade students. The local school board
24 shall only approve providers and pre-apprenticeship programs,
25 including courses of instruction and industry instructors,

1 that meet apprenticeship requirements of the apprenticeship
2 council or the apprenticeship requirements of an appropriate
3 nationally recognized trade organization. Pre-apprenticeship
4 programs shall meet department content and performance
5 standards and shall be provided at no cost to students.

6 C. A person may apply to the local school board to
7 become a provider by submitting an application in the form
8 prescribed by the local school board. The application shall
9 include:

10 (1) the pre-apprenticeship program to be
11 offered by the provider, including the course of instruction
12 and the provision of tools, supplies and textbooks that will
13 be provided by the pre-apprenticeship program;

14 (2) a description of the way in which a
15 pre-apprentice's coursework and program participation will be
16 evaluated and reported as grades to the high school;

17 (3) a description of the qualifications for
18 pre-apprentices, the way in which students will be recruited
19 and accepted into the pre-apprenticeship program and the
20 circumstances under which a pre-apprentice may be dismissed
21 from the pre-apprenticeship program;

22 (4) the names and qualifications of the
23 pre-apprenticeship program's industry instructors;

24 (5) a description of the location where the
25 pre-apprenticeship program will be conducted; and

1 (6) any other information the local school
2 board deems necessary to determine the fitness of the
3 applicant to deliver a pre-apprenticeship program and the
4 appropriateness of the program in achieving school district
5 or charter school goals.

6 D. In approving an application, the local school
7 board shall include its approvals of the provider, the
8 pre-apprenticeship program and the industry instructors. If
9 a single applicant proposes to offer more than one
10 pre-apprenticeship program, each program and its industry
11 instructors shall be approved by the local school board.

12 E. Pre-apprenticeship programs shall be designed
13 so that pre-apprentices may earn elective credits toward high
14 school graduation and meet requirements for
15 apprenticeship-related supplemental instruction or
16 post-secondary education course credits. Pre-apprenticeship
17 programs shall be offered during the school day whenever
18 possible. Programs may be conducted at industry locations,
19 including union halls or other industry training facilities;
20 at existing school facilities, if available; or at any other
21 location approved by the local school board.

22 F. To qualify for a pre-apprenticeship program, a
23 student must:

- 24 (1) be at least sixteen years of age;
25 (2) be in the eleventh or twelfth grade;

1 (3) have at least the number of electives
2 required for the pre-apprenticeship program applied for and
3 commit those electives to the program; and

4 (4) meet other requirements of the
5 pre-apprenticeship program approved by the local school
6 board.

7 G. Once a provider and pre-apprenticeship program
8 have been approved, the provider shall recruit students and
9 accept and retain or dismiss them as provided in the
10 provider's approved application.

11 H. Once accepted into a pre-apprenticeship
12 program, a student may withdraw only with the approval of the
13 high school principal.

14 I. If a provider wishes to cease its
15 pre-apprenticeship program, it shall notify the local school
16 board, the superintendent and the principals of the
17 pre-apprentices' high schools. The notification shall
18 include a plan for the continuation of the pre-apprenticeship
19 program of the pre-apprentices currently enrolled in the
20 provider's program."

21 Section 3. A new section of Chapter 22, Article 14 NMSA
22 1978 is enacted to read:

23 "LICENSURE NOT REQUIRED--BACKGROUND CHECKS--
24 SCHOOL-SPONSORED ACTIVITY AND VOLUNTEERS.--

25 A. The provisions of the School Personnel Act,

1 including licensure requirements, shall not apply to industry
2 instructors, except that they shall be required to undergo a
3 background check as provided for licensed school employees in
4 Section 22-10A-5 NMSA 1978. The school district or charter
5 school may act on the information received from the
6 background check and refuse to approve a person as an
7 industry instructor. An industry instructor shall provide
8 for the safety of students under the industry instructor's
9 care in the same manner as required of licensed school
10 employees and shall not allow persons who have not been
11 vetted through the background check process to have
12 unsupervised contact with students.

13 B. For purposes of the public school insurance
14 authority, each pre-apprenticeship program shall be considered
15 a school-sponsored activity and each industry instructor shall
16 be considered a school volunteer." _____

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