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SENATE BILL 445

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO PUBLIC EDUCATION; QUALIFYING AN INTERACTIVE
GOVERNMENT LITERACY COURSE AS AN ELECTIVE AND AS A DUAL CREDIT
COURSE.

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

SECTION 1. Section 21-1-1.2 NMSA 1978 (being Laws 2007,
Chapter 227, Section 1, as amended) is amended to read:

"21-1-1.2. DUAL CREDIT FOR HIGH SCHOOL AND POST-SECONDARY
CLASSES.--

A. As used in this section:

(1) "bureau of Indian education school" means
a school located in New Mexico that is under the control of the
bureau of Indian education of the United States department of
the interior;

(2) "dual credit course" means a post-

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1 secondary course that may be academic or career-technical but
2 not remedial or developmental and specified in a rule
3 promulgated pursuant to Paragraph (1) of Subsection G of this
4 section for which a student simultaneously earns credit toward
5 high school graduation and a post-secondary degree or
6 certificate;

7 (3) "dual credit program" means a program
8 offered by a public post-secondary educational institution or
9 tribal college that allows high school students to enroll in
10 dual credit courses;

11 (4) "high school" means a school offering one
12 or more of grades nine through twelve or their equivalent and
13 that is a school district, charter school, state-supported
14 school, bureau of Indian education school, private school or
15 home school; and

16 (5) "tribal college" means a tribally,
17 federally or congressionally chartered post-secondary
18 educational institution located in New Mexico that is
19 accredited by the north central association of colleges and
20 schools.

21 B. To be eligible to participate in a dual credit
22 program, the student shall be a school-age person as that term
23 is defined in the Public School Code and:

24 (1) except as provided in Subsection C of this
25 section, be enrolled in a school district, charter school or

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1 state-supported school in one-half or more of the minimum
2 course requirements approved by the public education department
3 for public school students or, if a student in a bureau of
4 Indian education school, private school or home school, be
5 receiving at least one-half of the student's instruction at the
6 student's high school; and

7 (2) obtain permission from the student's
8 school counselor, school principal or head administrator of
9 the high school that the student primarily attends prior to
10 enrolling in a dual credit course.

11 C. A student who has met the eligibility criteria
12 provided for in Subsection B of this section in a fall or
13 winter semester and who has not graduated or earned a general
14 educational development certificate may take courses for dual
15 credit during the immediately succeeding summer semester.

16 D. The high school that the student primarily
17 attends shall pay the cost of the required textbooks and other
18 course supplies for the post-secondary course the student is
19 enrolled in through purchase arrangements with the bookstore at
20 the public post-secondary educational institution or tribal
21 college or through other cost-efficient methods. The student
22 shall return the textbooks and unused course supplies to the
23 high school when the student completes the course or withdraws
24 from the course.

25 E. A public post-secondary educational institution

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1 or tribal college that participates in a dual credit program
2 shall waive all general fees for dual credit courses.

3 F. The higher education department shall revise
4 procedures in the higher education funding formula to address
5 enrollments in dual credit courses and to encourage
6 institutions to waive tuition for high school students taking
7 those courses.

8 G. The higher education department and the public
9 education department shall adopt and promulgate rules to
10 implement a dual credit program that specify:

11 (1) post-secondary courses that are eligible
12 for dual credit, including an interactive government literacy
13 course;

14 (2) conditions that apply, including:

15 (a) the required academic standing and
16 conduct of students enrolled in dual credit courses;

17 (b) the semesters in which dual credit
18 courses may be taken;

19 (c) the nature of high school credit
20 earned;

21 (d) any caps on the number of courses,
22 location of courses and provision of transcripts; and

23 (e) an appeals process for a student who
24 is denied permission to enroll in a dual credit course;

25 (3) accommodations or other arrangements

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1 applicable to special education students;

2 (4) the contents of the uniform master
3 agreement that govern the roles, responsibilities and
4 liabilities of the high school, the public post-secondary
5 educational institution or tribal college and the student and
6 the student's family;

7 (5) provisions for expanding dual credit
8 opportunities through distance learning and other methods;

9 (6) the means by which school districts,
10 charter schools and state-supported schools are required to
11 inform students and parents about opportunities to participate
12 in dual credit programs during student advisement, academic
13 support and formulation of annual next-step plans, as well as
14 other methods; and

15 (7) provisions for collecting and
16 disseminating annual data, including:

17 (a) the number of students taking dual
18 credit courses;

19 (b) the participating high schools,
20 public post-secondary educational institutions and tribal
21 colleges;

22 (c) the courses taken and grades earned;

23 (d) the high school graduation rates for
24 participating school districts, charter schools and state-
25 supported schools;

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1 (e) the public post-secondary
2 educational institutions and tribal colleges that participating
3 students ultimately attend; and

4 (f) the cost of providing dual credit
5 courses.

6 H. The higher education department and the public
7 education department shall evaluate the dual credit program in
8 terms of its accessibility to students statewide and its effect
9 on:

10 (1) student achievement in secondary
11 education;

12 (2) student enrollment and completion of
13 higher education; and

14 (3) high schools, public post-secondary
15 educational institutions and tribal colleges.

16 I. The departments shall make an annual report,
17 including recommendations, to the governor and the legislative
18 education study committee.

19 J. The provisions of this section do not apply to
20 the New Mexico military institute."

21 **SECTION 2.** Section 22-13-1.1 NMSA 1978 (being Laws 1986,
22 Chapter 33, Section 5, as amended by Laws 2014, Chapter 9,
23 Section 3 and by Laws 2014, Chapter 70, Section 1 and also by
24 Laws 2014, Chapter 71, Section 1) is amended to read:

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

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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

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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, pre-apprenticeship
5 programs or remediation programs that the college and workplace
6 readiness assessments indicate to be appropriate;

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

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

11 E. The secretary shall:

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

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

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

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

25 F. Once a student has entered ninth grade, the

1 graduation requirements shall not be changed for that student
2 from the requirements specified in the law at the time the
3 student entered ninth grade.

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

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

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

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

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

20 (5) one unit in physical education;

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

24 (7) one-half unit in New Mexico history for
25 students entering the ninth grade beginning in the 2005-2006

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1 school year; and

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

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

15 I. The department shall establish a procedure for
16 students to be awarded credit through completion of specified
17 career technical education courses for certain graduation
18 requirements.

19 J. Successful completion of the requirements of the
20 New Mexico diploma of excellence shall be required for
21 graduation for students entering the ninth grade beginning in
22 the 2009-2010 school year. Successful completion of a minimum
23 of twenty-four units aligned to the state academic content and
24 performance standards shall be required to earn a New Mexico
25 diploma of excellence. These units shall be as follows:

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

3 (2) four units in mathematics, of which one
4 shall be the equivalent to or higher than the level of algebra
5 2, unless the parent submitted written, signed permission for
6 the student to complete a lesser mathematics unit; and provided
7 that a financial literacy course that meets state mathematics
8 academic content and performance standards shall qualify as one
9 of the four required mathematics units;

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

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

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

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

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

8 K. For students entering the eighth grade in the
9 2012-2013 school year, a course in health education is required
10 prior to graduation. Health education may be required in
11 either middle school or high school, as determined by the
12 school district. Each school district shall submit to the
13 department by the beginning of the 2011-2012 school year a
14 health education implementation plan for the 2012-2013 and
15 subsequent school years, including in which grade health
16 education will be required and how the course aligns with
17 department content and performance standards. Health education
18 shall include age-appropriate sexual abuse and assault
19 awareness and prevention training that meets department
20 standards developed in consultation with the federal centers
21 for disease control and prevention that are based on evidence-
22 based methods that have proven to be effective.

23 L. Final examinations shall be administered to all
24 students in all classes offered for credit.

25 M. Until July 1, 2010, a student who has not passed

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

19 N. 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
25 New Mexico, based on a standards-based assessment or

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

18 0. As used in this section:

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

24 (2) "interim next-step plan" means an annual
25 next-step plan in which the student specifies post-high-school

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1 goals and sets forth the coursework that will allow the student
2 to achieve those goals; and

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

9 (a) advanced placement or honors
10 courses;

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

13 (c) distance learning courses;

14 (d) career-technical courses; and

15 (e) pre-apprenticeship programs.

16 P. The secretary may establish a policy to provide
17 for administrative interpretations to clarify curricular and
18 testing provisions of the Public School Code."