

LFC Requester:

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**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2024 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment X

Date Prepared: 02/06/24

Correction Substitute

Bill No: HB171/aHEC

Agency Name
and Code

Sponsor: Romero/Lane/Stewart

Number: PED - 924

Short SCHOOL GRADUATION

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Title: REQUIREMENTS

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis of HEC Amendment: The House Education Committee amendment to House Bill 171 (HB171/aHEC) would strike current graduation requirements for demonstration of competency in the subjects of mathematics, reading and language arts, writing, social studies, and science.

Synopsis of Original Bill: House Bill 171 (HB171) would amend [graduation requirements](#) for students entering ninth grade in the 2025-2026 school year. Of note, the bill would:

- require two units to be set by each local school board or governing body of a charter school that meet department academic content and performance standards;
- remove Algebra 2 as a requirement; and
- require each school district and charter school to develop a community-specific “graduate profile” and require aligning students’ individual next step plans with the graduate profile specific to their community. Each graduate profile would outline core academic competencies, from the local level perspective, and subjects that are key to graduates’ post-high school success.

This bill is endorsed by the Legislative Education Study Committee.

FISCAL IMPLICATIONS

HB171 does not contain an appropriation.

SIGNIFICANT ISSUES

Graduation Requirements. HB171 would maintain the minimum graduation requirements of 24 units. Units earned in health, Algebra 1 and geometry prior to enrolling in high school shall satisfy unit requirements to earn a New Mexico diploma of excellence. See Table 1 for a detailed comparison between existing and proposed requirements.

The bill would not require students to take Algebra II, but it would require the course be offered. This would make sure schools provide Algebra II for students who choose it as a step in preparation for additional advanced mathematics courses. New Mexico students typically enroll in Algebra II in 11th grade prior to the spring administration of the [SAT School Day](#) college placement exam that satisfies Section 8 of [6.19.7 NMAC, Demonstration of Competency for High School Graduation](#). Other states similarly make Algebra II an optional course, e.g. Oregon and Washington State. This allows for flexible pathways for students.

The bill would also require the following courses to be offered to high school students: financial literacy, computer science, student service learning, career technical education courses, a sequence of languages other than English, media literacy, and pre-apprenticeship programs.

Graduate Profiles. Subject to the department's academic content and performance standards and other provisions of the bill, HB171 would require every school district and charter school to develop a graduate profile that:

- is specific to each community;
- articulates the core academic competencies and subjects that are key to graduates' post-high

- school success; and
- to which required units are aligned.

The bill defines “graduate profile” as a document that a school district or charter school uses to specify the cognitive, personal, and interpersonal competencies that students should have when they graduate.

Other. HB171 adds language that students shall be informed about international baccalaureate courses, in addition to honors or advanced placement courses, dual-credit courses, distance learning courses, career clusters and career pathways, pre-apprenticeship programs or remediation programs that the college and workplace readiness assessments indicate to be appropriate international baccalaureate courses.

HB171 would eliminate the required state graduation exam.

The bill would also:

- articulate the purpose of the New Mexico diploma of excellence, i.e., “to demonstrate that a student is ready for success in post-secondary education, gainful employment and citizenship and is equipped with the skills to be a lifelong learner;” and
- add guidance for school districts and charter schools to include course offerings to prepare students for an expanded range of post-secondary and workforce opportunities and entrepreneurship.

PERFORMANCE IMPLICATIONS

The flexibility afforded to high school students by HB171/aHEC may contribute to higher graduation rates in the years following its implementation.

ADMINISTRATIVE IMPLICATIONS

With the removal of demonstration of competency graduation requirements, PED may repeal [6.19.7 NMAC, Demonstration of Competency for High School Graduation](#).

Administrative burden for high schools and PED would be reduced significantly by the provisions of the HB171/aHEC eliminating the requirement to record and report each student’s demonstration of competency.

PED would need to develop or approve a template for next-step plans.

PED would be required to adopt and promulgate rules to implement graduation requirements by no later than December 31, 2024. The rules would need to include revisions to expand course offerings so that students have access to a range of rigorous academic options and career technical education courses and to establish guidance for the development of graduate profiles.

New Mexico public higher education institutions and tribal colleges would need to review existing dual credit agreements and reestablish memoranda of understanding with school districts to offer dual credit courses that meet student needs.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

The bill does not contain an effective date, rendering the requirements in the bill effective as of May 15, 2024; yet PED is to promulgate rules for the bill by the end of 2024, more than six months after the effective date. The sponsor may wish to include an effective or applicability date that considers the later promulgation of rules for the administration of HB171's requirements.

OTHER SUBSTANTIVE ISSUES

Nothing in the proposed bill would:

- affect a school district's or charter school's authority to require more units for graduation; or
- a student's opportunity to take advanced placement or honors courses, international baccalaureate courses or distance learning courses offered by the public school or dual credit courses offered in cooperation with institutions of higher education.

HB171 includes proposed Subsection A of [Section 22-13-1.1 NMSA 1978](#), establishing the respective purposes “of the New Mexico diploma of excellence” and “minimum graduation requirements”. The subsection does not propose any actual executory requirements, but will rather create an obligation for the legislature, PED, and the state, that is neither easily interpreted nor executed, but that may be used as the basis for a lawsuit against the state and the legislature; similar, non-executable statements of purpose in the Public School Code were found to create actionable obligations against the legislature and the state in the *Martinez* and *Yazzie* consolidated lawsuit. It would be better if the programmatic portions of the bill stood on their own, without necessary recourse to a statement of purpose that may be open to interpretation by the courts that is contrary to legislative intent.

Section 2 of the bill proposes to repeal [Section 22-13-1.2 NMSA 1978](#), which would end the requirement that high school curricula and end-of-course exams be aligned with placement tests administered by two- and four-year public postsecondary educational institutions, as well as the direction PED collaborate with HED on such alignment. It is uncertain what effect the potential lack of alignment may have upon acceptance by and matriculation to public postsecondary institutions in the state.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.

Table 1. Existing and Proposed Graduation Requirements

Existing Minimum Units: 24	Proposed Minimum Units: 24
English	
<p>4 Units With major emphasis on grammar, nonfiction writing and literature; provided that department-approved work-based training or career and technical education courses that meet state English academic content performance standards shall qualify as one of the four required English units.</p>	<p>4 Units Which must include a sequence of three units; provided that department-approved work-based learning, career technical education or English language development courses that meet state English or English language development academic content and performance standards may qualify as required English units.</p>
<p>Key Differences. HB171 would:</p> <ul style="list-style-type: none"> • Not change English requirements. 	
Mathematics	
<p>4 Units Of which one shall be the equivalent to or higher than the level of algebra 2, unless the parent submitted written, signed permission for the student to complete a lesser mathematics unit; and provided that a financial literacy course or department-approved work-based training or career and technical education course that meets state mathematics academic content and performance standards shall qualify as one of the four required mathematics units; one unit may comprise a computer science course.</p>	<p>4 Units Two of which shall include a sequence of algebra 1 and geometry or another integrated pathway of mathematics equivalent to algebra 1 and geometry; provided that algebra 2 be offered as a mathematics course and department-approved work-based learning or career technical education courses that meet state mathematics academic and performance standards may qualify as required mathematics units; and provided further that algebra 2 shall be offered as a mathematics course.</p>
<p>Key Differences. HB171 would:</p> <ul style="list-style-type: none"> • Remove parent permission for student to complete a lesser math unit; • Require an algebra 1 and geometry pathway, or equivalent; and • Require Algebra 2 to be offered, not required. 	
Science	
<p>3 Units Two of which shall have a laboratory component; provided that department-approved work-based training or career and technical education courses that meet state science academic content and performance standards shall qualify as one of the three required science units; one unit may comprise a computer science course.</p>	<p>3 Units Two of which shall have a laboratory component; provided that department-approved work-based learning or career technical education courses that meet state science academic content and performance standards may qualify as required science units.</p>
<p>Key Differences. HB171 would:</p> <ul style="list-style-type: none"> • Not require department-approved work-based training or career and technical courses to qualify as science units; and • Remove language that allows one unit to comprise a computer science course. 	

Existing	Proposed
Social Science	
3.5 Units Which shall include United States history and geography, world history and geography, government and economics and one-half unit of New Mexico history.	4 Units Which shall include United States history and geography, which course content contains New Mexico history; government and economics and personal financial literacy, which course content contains civics; and world history and geography.
Key Differences. HB171 would: <ul style="list-style-type: none"> • Include New Mexico history in United States history and geography; and • Include personal financial literacy, which would contain civics 	
Physical Education	
1 Unit As determined by each school district, which may include a physical education program that meets state content and performance standards or participation in marching band, junior reserve officers' training corps or interscholastic sports sanctioned by the New Mexico activities association or any other co-curricular physical activity.	1 Unit As determined by the school district or charter school, which may include a physical education program that meets state academic content and performance standards or participation in marching band, dance programs, junior reserve officers' training corps or interscholastic sports sanctioned by the New Mexico activities association or any other co-curricular physical activity.
Key Differences. HB171 would: <ul style="list-style-type: none"> • Allow participation in dance programs to satisfy the physical education requirement. 	
Health Education	
“Course” May be required in either middle school or high school, as determined by the school district or charter school.	0.5 Unit Provided that this one-half unit may be earned in either middle or high school.
Key Differences. HB171 would: <ul style="list-style-type: none"> • Not change Health Education requirements. 	
Local Units	
0 Units No units determined by the school district or charter school.	2 Units Set by each local school board or governing body of a charter school that meet department academic content and performance standards.
Key Differences. HB171 would: <ul style="list-style-type: none"> • Require local school boards and governing bodies of charter schools to set two units that meet department academic content and performance standards. 	
Other Units	
1 Unit At least one unit in one of the following: a career cluster course, workplace readiness, or a language other than English.	0 Units
Key Differences. HB171 would: <ul style="list-style-type: none"> • No longer require one unit to be a career cluster course, workplace readiness, or a language other than English. 	

Elective Units	
<p>7.5 Units</p> <p>That meet department content and performance standards. Career and technical education courses shall be offered as an elective. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Pre-apprenticeship programs may be offered as electives. Media literacy may be offered as an elective.</p>	<p>5.5 Units</p> <p>That meet department academic content and performance standards and that shall include a two-unit pathway concentration of the student's choice in a language other than English, including American sign language; fine arts; health; military career preparation; a career technical education program; or community or service learning, a capstone course or work-based learning; provided that financial literacy, computer science, student service learning, career technical education courses and a sequence of languages other than English shall be offered as electives; and provided further that media literacy and pre-apprenticeship programs may be offered as electives;</p>
<p>Key Differences. HB171 would:</p> <ul style="list-style-type: none"> • Require a two-unit pathway concentration of the student's choice. 	