

N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

HB171 amends Section. 22-13-1.1 NMSA 1978 (being Laws 1986, Chapter 33, Section 5, as amended) establishing new graduation requirements for entering ninth graders in the 2025-2026 school year.

New graduation coursework requirements in HB171 raise the total number of units required of a student to graduate from 23 to 24, and specifically include the following:

- English: Four units, which now must include a three-unit sequence.
- Mathematics: Four units, with two units now including algebra 1 and geometry or an integrated pathway of mathematics equivalent to algebra 1 and geometry. Units earned in algebra 1 and geometry prior to enrolling in high school shall satisfy requirements.
- Science: Three units, two of which shall have a laboratory component (unchanged).
- Social Science: Four units, which now must include United States history, geography, New Mexico history, government, economics, civics, world history, and personal financial literacy.
- Physical Education: One unit, which can be met through participation in marching band, dance programs (new to this bill), Junior Reserve Officers' Training Corps, interscholastic sports sanctioned by the New Mexico Activities Association, or any other co-curricular physical activity.

- Health Education: One-half unit (reduced from one full unit), which can be met in middle or high school.
- Electives: Five and one-half units, including a two-unit pathway of the student's choice in a language other than English, fine arts, health, military career preparation, community or service learning, or a capstone course or work-based learning.
- Local Board Option: Two units set by the governing body of each local board or charter school and that meet department standards. These credits must be accepted as transfer credits if a student changes districts or schools.
- Alternative credits: New Mexico Public Education Department-approved work-based learning, career technical education, financial literacy, and/or English language development courses that meet academic content and performance standards may qualify for required English, mathematics, and/or science units, as appropriate.
- The combination of the elective and local board option requirements replaces two existing requirements: seven and one-half elective units meeting department content and performance standards; and one unit in a career cluster course, workplace readiness, or a language other than English.
- Students are no longer required to take one unit in Advanced Placement, honors, or dual-credit coursework but will not be limited in their ability to take such coursework by this bill.

This bill requires that certain courses be offered to high school students. These courses include algebra 2, financial literacy, computer science, student service learning, career technical education courses, a sequence of languages other than English, media literacy, and pre-apprenticeship programs.

Each district must develop a graduate profile specific to its community that articulates the core academic competencies and subjects that are key to graduates' post-high school success. Next-step annual plans are required for each student at the end of grades 8 through 11 and must be aligned to the district's graduate profile.

In addition to the coursework changes, the proposed measure eliminates the required state graduation exam but retains the requirement that students demonstrate competence in mathematics, reading and language arts, writing, social studies, and science based on assessments or a portfolio in order to graduate.

The bill also establishes that a high school diploma earned in New Mexico is intended to demonstrate that a student is ready for success in postsecondary education, gainful employment, and citizenship. The diploma demonstrates that a student is equipped with the skills to be a lifelong learner. The state's high school graduation requirements are established to support the expectation for student success.

FISCAL IMPLICATIONS

There is no appropriation in this bill.

SIGNIFICANT ISSUES

The major function of HB171 is the amendment of Section. 22-13-1.1 NMSA 1978 (being Laws 1986, Chapter 33, Section 5, as amended) to establish new graduation requirements for entering ninth graders in the 2025-2026 school year. These changes would be implemented by the New Mexico Public Education Department (NMPED) by December 31, 2024.

HB126 is a similar bill from the 2023 legislative session that passed both the House and the Senate before ultimately being pocket vetoed by the governor. The current bill addresses some criticisms of the 2023 bill, such as the reduction in units required for graduation by raising the required total from 23 to 24 units. This bill maintains efforts to increase the flexibility of graduation requirements to meet students' differing needs.

HB171's first section, proposing amendments to Section 22-13-1.1 NMSA 1978 includes two subsections that are potentially problematic. Subsection A of Section 22-13-1.1 NMSA 1978, establishes the respective purposes "of the New Mexico diploma of excellence? and "minimum graduation requirements?. This subsection does not propose any actual requirements to be executed for the stated purpose. Such ambiguities in the purpose statement could result in liability and future legal proceedings. Similar statements of purpose in the Public School Code were in part found to create actionable obligations in the *Martinez* and *Yazzie* consolidated lawsuit.

HB171 uses the words "rigorous expectations? to support the success of the state's minimum graduation requirements. Removing the phrase "rigorous expectations? may avoid the appearance of creating a statutorily created right without precisely defining what rigorous expectations are. It may be preferable for the legislation to be specifically worded to create clearly delineated requirements and duties as opposed to statements of purpose and references to expectations. It may improve HB171 to include language in the programmatic portions of the bill to adequately address the purpose the legislature desires to effectuate.

Subsection B Section 22-13-1.1 NMSA 1978, states that [S]chool districts and charter schools "are encouraged? to make available courses and programs of study that allow students to pursue a range of postsecondary opportunities and workforce opportunities. This is also a statement that cannot be clearly acted upon. The language may benefit from having a clearer requirement to ensure schools are taking certain steps, at a minimum, to explore more appropriate courses and programs. Encouraging districts and schools to complete something ultimately may not prove to have the desired outcomes at the level intended by the legislature.

Additionally, Subsection B of Section 1 of HB171 further proposes that districts and charters be encouraged to make available courses that allow students to pursue a range of postsecondary and workforce opportunities, "as determined by the student's next-step plan, and the school district's or charter school's graduate profile?. "Graduate profile? is defined in Paragraph 9 of Subsection W of the Section 1 of the bill, to mean, "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?. These two provisions, when read together, may raise a question about the relationship between a school district's or charter school's expectations of their individual students and graduates and the state's clearly articulated constitutional obligation to provide a "uniform system free public schools sufficient for the education of [?] all the children of school

age in the state.? It may be possible to question whether students are being proffered the "uniform education? to which the Education Clause of the New Mexico Constitution entitles them if a school district or charter school articulates a graduate profile that is substantially dissimilar to the graduate profiles of other districts or charters. The sponsors may wish to consider including additional clearly articulated requirements that the New Mexico Public Education Department (NMPED) can promulgate and require of districts and charter schools.

Finally, Section 2 of the HB171 proposes to repeal Section 22-13-1.2 NMSA 1978, which would remove language in the statute stating 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 that NMPED collaborate with the New Mexico Higher Education Department 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.

PERFORMANCE IMPLICATIONS

There are no performance measures in HB171, but the graduation rates of high school students and their success when moving on to college or to the workforce could be monitored to ensure that the new standards are working as intended.

ADMINISTRATIVE IMPLICATIONS

If HB171 is adopted, all public high schools would need to review their curricula to evaluate the availability of courses to students.

Subsection D of Section 1 of the bill indicates that a senior student's final next step plan is to be aligned to the graduate profile of the student's school district or charter school and is to be "completed on a department-approved template.? Aside from issues that may arise from a potential lack of uniformity, as discussed above, this requirement may be more easily enforceable if the legislature clearly articulates criteria to be included in the form, or clearly directs NMPED to determine such criteria. The lack of such clear criteria or direction, at times, may leave NMPED open to challenges that it is acting ultra vires.

New Mexico public Higher Education Institutions (HEIs) and tribal colleges would need to review their existing dual credit agreements and reestablish memoranda of understanding (MOUs) with school districts to offer dual credit courses that meet student needs.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

Many rural public community colleges in New Mexico serve a large number of dual credit students. In some cases, over half of an institution's headcount enrollment is comprised of dual credit students. It is unknown how this change in graduation requirements would affect dual credit enrollments at these institutions.

There is potential benefit to a student from a dual credit course. If these courses are no longer required as one of the criteria for high school graduation, then some decline in dual credit enrollment is possible. It is also possible that clearer pathways could be developed for dual credit and that dual credit enrollments could increase.

If HB171 passes as written, dual credit policy and enrollments would need to be monitored.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If HB171 is not enacted, graduation requirements for New Mexico's high school students would remain unchanged.

AMENDMENTS

N/A