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HOUSE BILL 10

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2009

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FLEXIBILITY TO SCHOOL DISTRICTS TO ENHANCE STATE AND SCHOOL DISTRICT SOLVENCY EFFORTS; MAKING TEMPORARY AND PERMANENT CHANGES TO THE PUBLIC SCHOOL CODE; WAIVING REQUIREMENTS FOR CLASS SIZE AND TEACHING LOADS; LIMITING THE USE AND RECIPIENTS OF EMERGENCY SUPPLEMENTAL FUNDING; ALLOWING TRANSPORTATION CASH BALANCES TO BE USED FOR OTHER EXPENSES; DELAYING CERTAIN ASSESSMENTS; CHANGING THE APPLICATION OF SIZE ADJUSTMENT PROGRAM UNITS; REQUIRING PUBLIC HEARINGS; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2009; DECLARING AN EMERGENCY.

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

Section 1. Section 22-2C-4.1 NMSA 1978 (being Laws 2007, Chapter 307, Section 4 and Laws 2007, Chapter 308, Section 4, as amended) is amended to read:

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1 "22-2C-4.1. STATEWIDE COLLEGE AND WORKPLACE READINESS
2 ASSESSMENT SYSTEM.--

3 A. The department shall establish a readiness
4 assessment system to measure the readiness of every New Mexico
5 high school student for success in higher education or a career
6 no later than the 2008-2009 school year. The department shall
7 ensure that the readiness assessment system is aligned with
8 state academic content and performance standards, college
9 placement tests and entry-level career skill requirements. The
10 readiness assessment system shall include the following
11 components:

12 (1) in grade nine, a short-cycle diagnostic
13 assessment in reading, language arts and mathematics to be
14 locally administered in the fall and at least two additional
15 times during the year;

16 (2) in grade ten, a short-cycle diagnostic
17 assessment in reading, language arts and mathematics that also
18 serves as an early indicator of college readiness, to be
19 locally administered at least three times during the year; and

20 (3) beginning with the 2011-2012 school year,
21 in grade eleven, in the fall, one or more of the following
22 chosen by the student:

- 23 (a) a college placement assessment;
- 24 (b) a workforce readiness assessment; or
- 25 (c) an alternative demonstration of

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1 competency using standards-based indicators.

2 B. All students at the specified grade level shall
3 participate in the readiness assessment system at no cost to
4 the student.

5 C. The department shall ensure that results of
6 performance on readiness assessments administered in grades
7 nine and ten are reported to students, parents and public
8 schools no later than four weeks following the date on which
9 the assessments are administered, in a form that is easily
10 understandable and useful in the next-step planning process.
11 Reports of assessment results shall be provided to students and
12 parents in writing whenever possible, but, if necessary, orally
13 in the language best understood by each student and parent.

14 D. The department shall adopt standards for
15 reasonable accommodations in the administration of readiness
16 assessments for students with disabilities and limited English
17 proficiency, including when and how accommodations may be
18 applied.

19 E. In developing, selecting or approving the high
20 school or college readiness assessments for school district or
21 charter school use, the department may adopt commercially
22 available standards-based assessments or approve a school
23 district's or charter school's short-cycle assessments that
24 meet the requirements of this section. The department shall
25 involve appropriate licensed school employees in the

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1 development or selection of readiness assessments."

2 Section 2. Section 22-8-23 NMSA 1978 (being Laws 1975,
3 Chapter 119, Section 1, as amended) is amended to read:

4 "22-8-23. SIZE ADJUSTMENT PROGRAM UNITS.--

5 A. An approved rural isolated public school with a
6 MEM of less than 400, including early childhood education full-
7 time-equivalent MEM but excluding membership in class C and
8 class D programs and excluding full-time-equivalent membership
9 in three- and four-year-old developmentally disabled programs,
10 is eligible for additional program units. Separate schools
11 established to provide special programs, including but not
12 limited to vocational and alternative education, shall not be
13 classified as public schools for purposes of generating size
14 adjustment program units. The number of additional program
15 units to which a school district is entitled under this
16 subsection is the sum of elementary-junior high units and
17 senior high units computed in the following manner:

$$\begin{aligned} & \text{Elementary-Junior High Units} \\ & \underline{200 - MEM} \times 1.0 \times \text{MEM} = \text{Units} \\ & 200 \end{aligned}$$

21 where MEM is equal to the membership of ~~[an]~~ the approved rural
22 isolated elementary or junior high school, including early
23 childhood education full-time-equivalent membership but
24 excluding membership in class C and class D programs and
25 excluding full-time-equivalent membership in three- and four-

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1 year-old developmentally disabled programs;

2 Senior High Units

3
$$\frac{200 - \text{MEM}}{2.0} \times \text{MEM} = \text{Units}$$

4 200

5 or,

6 Senior High Units

7
$$\frac{400 - \text{MEM}}{1.6} \times \text{MEM} = \text{Units}$$

8 400

9 whichever calculation for senior high units is higher, where
10 MEM is equal to the membership of ~~[an]~~ the approved rural
11 isolated senior high school excluding membership in class C and
12 class D programs.

13 B. A school district with total MEM of less than
14 4,000, including early childhood education full-time-equivalent
15 MEM, is eligible for additional program units. The number of
16 additional program units to which a school district is entitled
17 under this subsection is the number of district units computed
18 in the following manner:

19 District Units

20
$$\frac{4,000 - \text{MEM}}{0.15} \times \text{MEM} = \text{Units}$$

21 4,000

22 where MEM is equal to the total district membership,
23 including early childhood education full-time-equivalent
24 membership.

25 C. A school district with over 10,000 MEM with a
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1 ratio of MEM to senior high schools less than 4,000:1 is
2 eligible for additional program units based on the number of
3 approved regular senior high schools that are not eligible for
4 senior high units under Subsection A of this section. The
5 number of additional program units to which an eligible school
6 district is entitled under this subsection is the number of
7 units computed in the following manner:

$$\frac{4,000 - \text{MEM}}{\text{Senior High Schools}} \times 0.50 = \text{Units}$$

10 where MEM is equal to the total district membership, including
11 early childhood education full-time-equivalent membership, and
12 where senior high schools are equal to the number of approved
13 regular senior high schools in the school district.

14 D. As used in Subsection A of this section, "rural
15 isolated public school" means a public school that is located
16 in a community with a population of fewer than three thousand
17 and that is at least five miles from another public school
18 offering a similar educational program."

19 Section 3. Section 22-8-26 NMSA 1978 (being Laws 1967,
20 Chapter 16, Section 76, as amended) is amended to read:

21 "22-8-26. TRANSPORTATION DISTRIBUTION.--

22 A. Money in the transportation distribution of the
23 public school fund shall be used only for the purpose of making
24 payments to each school district [~~or~~] and state-chartered
25 charter school for the to-and-from school transportation costs

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1 of students in grades kindergarten through twelve attending
2 public school within the school district or state-chartered
3 charter school and of three- and four-year-old children who
4 meet the department-approved criteria and definition of
5 developmentally disabled and for transportation of students to
6 and from their regular attendance centers and the place where
7 vocational education programs are being offered.

8 B. In the event a school district's or state-
9 chartered charter school's transportation allocation exceeds
10 the amount required to meet obligations to provide to-and-from
11 transportation, three- and four-year-old developmentally
12 disabled transportation and vocational education
13 transportation, fifty percent of the remaining balance shall be
14 deposited in the transportation emergency fund.

15 C. Except as provided in Subsection G of this
16 section, of the excess amount retained by the school district
17 or state-chartered charter school, at least twenty-five percent
18 shall be used for to-and-from transportation-related services,
19 excluding salaries and benefits, and up to twenty-five percent
20 may be used for other transportation-related services,
21 excluding salaries and benefits as defined by rule of the
22 department.

23 D. In the event the sum of the proposed
24 transportation allocations to each school district [~~or~~] and
25 state-chartered charter school exceeds the amounts in the

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1 transportation distribution, the allocation to each school
2 district or state-chartered charter school shall be reduced in
3 the proportion that the school district or state-chartered
4 charter school allocation bears to the total statewide
5 transportation distribution.

6 E. A local school board or governing body of a
7 state-chartered charter school, with the approval of the state
8 transportation director, may provide additional transportation
9 services pursuant to Section 22-16-4 NMSA 1978 to meet
10 established program needs.

11 F. Nothing in this section prohibits the use of
12 school buses to transport the general public pursuant to the
13 Emergency Transportation Act.

14 G. For fiscal years 2010 and 2011, a school
15 district or state-chartered charter school may use excess
16 balances from its transportation allocation for instructional
17 materials purchases and for operational expenses, excluding
18 salaries and benefits."

19 Section 4. Section 22-8-30 NMSA 1978 (being Laws 1974,
20 Chapter 8, Section 17, as amended) is amended to read:

21 "22-8-30. SUPPLEMENTAL DISTRIBUTIONS.--

22 A. The department shall make supplemental
23 distributions only for the following purposes:

24 (1) to pay the out-of-state tuition of
25 students subject to the Compulsory School Attendance Law who

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1 are attending school out-of-state because school facilities are
2 not reasonably available in the school district of their
3 residence;

4 (2) to make emergency distributions to school
5 districts or state-chartered charter schools in financial need;
6 [~~but no~~] provided that money shall not be distributed to any
7 school district or state-chartered charter school [~~having~~]
8 that:

9 (a) has cash [~~and~~], invested reserves or
10 other resources or any combination [~~thereof~~] of cash, invested
11 reserves or other resources equaling five percent or more of
12 the school district's or state-chartered charter school's
13 operational budget; or

14 (b) has not adopted cost-saving
15 measures, including such measures as combining single- and
16 multiple-grade level classes within an elementary, middle or
17 junior high or senior high school, to achieve maximum
18 efficiency, as determined by the secretary;

19 (3) to make program enrichment distributions
20 in the amount of actual program expense to school districts and
21 state-chartered charter schools for the purpose of providing
22 specific programs to meet particular educational requirements
23 that cannot otherwise be financed;

24 (4) a special vocational education
25 distribution to area vocational schools or state-supported

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1 schools with department-approved vocational programs to
2 reimburse those schools for the cost of vocational education
3 programs for those students subject to the Compulsory School
4 Attendance Law who are enrolled in such programs; and

5 (5) to make emergency capital outlay
6 distributions to school districts or state-chartered charter
7 schools that have experienced an unexpected capital outlay
8 emergency demanding immediate attention.

9 B. The department shall account for all
10 supplemental distributions and shall make full reports to the
11 governor, legislative education study committee and legislative
12 finance committee of payments made as authorized in Subsection
13 A of this section.

14 C. The department may divert any unused or unneeded
15 balances in any of the distributions made under the
16 supplementary distribution authority to make any other
17 distribution made pursuant to the same authority.

18 D. Except for out-of-state tuition for students
19 pursuant to Paragraph (1) of Subsection A of this section, the
20 department shall not make any supplemental distribution to a
21 school district, state-chartered charter school, area
22 vocational school or state-supported school that has one or
23 more outstanding audits.

24 E. Emergency supplemental distributions shall not
25 be used for capital-related expenditures associated with new

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1 school buildings or for costs eligible for payment through the
2 public school capital outlay funding process unless approved by
3 the secretary."

4 Section 5. Section 22-10A-20 NMSA 1978 (being Laws 1986,
5 Chapter 33, Section 3, as amended) is amended to read:

6 "22-10A-20. STAFFING PATTERNS--CLASS LOAD--TEACHING
7 LOAD.--

8 A. Except as provided in Subsection M of this
9 section, the individual class load for elementary school
10 teachers shall not exceed twenty students for kindergarten;
11 provided that any teacher in kindergarten with a class load of
12 fifteen to twenty students shall be entitled to the assistance
13 of an educational assistant.

14 B. Except as provided in Subsection M of this
15 section, the average class load for elementary school teachers
16 at an individual school shall not exceed twenty-two students
17 when averaged among grades one, two and three; provided that
18 any teacher in grade one with a class load of twenty-one or
19 more shall be entitled to the full-time assistance of an
20 educational assistant.

21 C. Except as provided in Subsection M of this
22 section, the average class load for an elementary school
23 teacher at an individual school shall not exceed twenty-four
24 students when averaged among grades four, five and six.

25 D. Except as provided in Subsection M of this

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1 section, the daily teaching load per teacher for grades seven
2 through twelve shall not exceed one hundred sixty students,
3 except the daily teaching load for teachers of required English
4 courses in grades seven and eight shall not exceed one hundred
5 thirty-five with a maximum of twenty-seven students per class
6 and the daily teaching load for teachers of required English
7 courses in grades nine through twelve shall not exceed one
8 hundred fifty students with a maximum of thirty students per
9 class.

10 E. Students receiving special education services
11 integrated into a regular classroom for any part of the day
12 shall be counted in the calculation of class load averages.
13 Students receiving special education services not integrated
14 into the regular classroom shall not be counted in the
15 calculation of class load averages. Only classroom teachers
16 charged with responsibility for the regular classroom
17 instructional program shall be counted in determining average
18 class loads. In elementary schools offering only one grade
19 level, average class loads may be calculated by averaging
20 appropriate grade levels between schools in the school
21 district.

22 F. Class load limits provided for in this section
23 do not apply to band or music classes or athletic electives.

24 G. Except as provided in Subsection M of this
25 section, the [~~state superintendent~~] secretary may waive the

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1 individual school class load requirements established in this
2 section. Waivers shall be applied for annually and a waiver
3 shall not be granted for more than two consecutive years.
4 Waivers may only be granted if a school district demonstrates
5 that:

6 (1) no portable classrooms are available;
7 (2) no other available sources of funding
8 exist to meet its need for additional classrooms;

9 (3) the school district is planning
10 alternatives to increase building capacity for implementation
11 within one year; and

12 (4) the parents of all children affected by
13 the waiver have been notified in writing:

14 (a) of the statutory class load
15 requirements;

16 (b) that the school district has made a
17 decision to deviate from these class load requirements; and

18 (c) of the school district plan to
19 achieve compliance with the class load requirements.

20 H. If a waiver is granted pursuant to Subsection G
21 of this section to an individual school, the average class load
22 for elementary school teachers at that school shall not exceed
23 twenty students in grade one and shall not exceed twenty-five
24 students when averaged among grades two, three, four, five and
25 six.

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1 I. Each school district shall report to the
2 department the size and composition of classes subsequent to
3 the fortieth day and the December 1 count. Except as provided
4 in Subsection M of this section, failure to meet class load
5 requirements within two years shall be justification for the
6 disapproval of the school district's budget by the [~~state~~
7 ~~superintendent~~] department.

8 J. The department shall report to the legislative
9 education study committee by November 30 of each year regarding
10 each school district's ability to meet class load requirements
11 imposed by law.

12 K. Notwithstanding the provisions of Subsection G
13 of this section and except as provided in Subsection M of this
14 section, the [~~state board~~] secretary may waive the individual
15 class load and teaching load requirements established in this
16 section upon a demonstration of a viable alternative curricular
17 plan and a finding by the [~~state board~~] secretary that the plan
18 is in the best interest of the school district and that, on an
19 annual basis, the plan has been presented to and is supported
20 by the affected teaching staff. The department shall evaluate
21 the impact of each alternative curricular plan annually.
22 Annual reports shall be made to the legislative education study
23 committee.

24 L. Teachers shall not be required to perform
25 noninstructional duties except in emergency situations as

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1 defined by the [~~state board~~] department. For purposes of this
2 subsection, "noninstructional duties" means noon hall duty,
3 noon ground duty and noon cafeteria duty.

4 M. For fiscal years 2010 and 2011, as part of the
5 state's fiscal solvency efforts, school districts may exceed
6 the class and teaching loads and may decrease the number of
7 required educational assistants provided for in Subsections A
8 through D of this section without initiating the waiver process
9 provided in Subsection G of this section. The department shall
10 monitor changes in staffing patterns in school districts, and
11 the secretary may require a school district to adjust its
12 staffing patterns if the district exceeds class and teaching
13 loads or decreases the number of educational assistants to
14 points that adversely affect student learning. The department
15 shall make periodic and regular reports to the legislative
16 education study committee on the use school districts have made
17 of the flexibility provided in this subsection and the findings
18 of the department's monitoring efforts to ensure that student
19 learning has not been adversely affected."

20 Section 6. Section 22-13-1.1 NMSA 1978 (being Laws 1986,
21 Chapter 33, Section 5, as amended by Laws 2009, Chapter 256,
22 Section 1 and by Laws 2009, Chapter 267, Section 2 and also by
23 Laws 2009, Chapter 268, Section 1) is amended to read:

24 "22-13-1.1. GRADUATION REQUIREMENTS.--

25 A. At the end of grades eight through eleven, each

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1 student shall prepare an interim next-step plan that sets forth
2 the coursework for the grades remaining until high school
3 graduation. Each year's plan shall explain any differences
4 from previous interim next-step plans, shall be filed with the
5 principal of the student's high school and shall be signed by
6 the student, the student's parent and the student's guidance
7 counselor or other school official charged with coursework
8 planning for the student.

9 B. Each student must complete a final next-step
10 plan during the senior year and prior to graduation. The plan
11 shall be filed with the principal of the student's high school
12 and shall be signed by the student, the student's parent and
13 the student's guidance counselor or other school official
14 charged with coursework planning for the student.

15 C. An individualized education program that meets
16 the requirements of Subsections A and B of this section and
17 that meets all applicable transition and procedural
18 requirements of the federal Individuals with Disabilities
19 Education Act for a student with a disability shall satisfy the
20 next-step plan requirements of this section for that student.

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

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1 (1) curricular and course options, including
2 honors or advanced placement courses, dual-credit courses,
3 distance learning courses, career clusters, pre-apprenticeship
4 programs or remediation programs that the college and workplace
5 readiness assessments indicate to be appropriate;

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

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

10 E. The secretary shall:

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

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

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

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

24 F. Successful completion of a minimum of twenty-
25 three units aligned to the state academic content and

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1 performance standards shall be required for graduation. These
2 units shall be as follows:

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

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

7 (3) two units in science, one of which shall
8 have a laboratory component; provided, however, that with
9 students entering the ninth grade beginning in the 2005-2006
10 school year, three units in science shall be required, one of
11 which shall have a laboratory component;

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

15 (5) one unit in physical education;

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

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

22 (8) nine elective units and seven and
23 one-half elective units for students entering the ninth grade
24 in the 2005-2006 school year that meet department content and
25 performance standards. Student service learning shall be

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1 offered as an elective. Financial literacy shall be offered as
2 an elective. Pre-apprenticeship programs may be offered as
3 electives. Media literacy may be offered as an elective.

4 G. For students entering the ninth grade beginning
5 in the 2009-2010 school year, at least one of the units
6 required for graduation shall be earned as an advanced
7 placement or honors course, a dual-credit course offered in
8 cooperation with an institution of higher education or a
9 distance learning course.

10 H. The department shall establish a procedure for
11 students to be awarded credit through completion of specified
12 career technical education courses for certain graduation
13 requirements.

14 I. Successful completion of the requirements of the
15 New Mexico diploma of excellence shall be required for
16 graduation for students entering the ninth grade beginning in
17 the 2009-2010 school year. Successful completion of a minimum
18 of twenty-four units aligned to the state academic content and
19 performance standards shall be required to earn a New Mexico
20 diploma of excellence. These units shall be as follows:

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

23 (2) four units in mathematics, of which one
24 shall be the equivalent to or higher than the level of algebra
25 2, unless the parent submitted written, signed permission for

1 the student to complete a lesser mathematics unit;

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

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

8 (5) one unit in physical education;

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

12 (7) seven and one-half elective units that
13 meet department content and performance standards. Student
14 service learning shall be offered as an elective. Financial
15 literacy shall be offered as an elective. Pre-apprenticeship
16 programs may be offered as electives. Media literacy may be
17 offered as an elective.

18 J. Final examinations shall be administered to all
19 students in all classes offered for credit.

20 K. Until July 1, 2010, a student who has not passed
21 a state graduation examination in the subject areas of reading,
22 English, mathematics, writing, science and social science shall
23 not receive a high school diploma. The state graduation
24 examination on social science shall include a section on the
25 constitution of the United States and the constitution of New

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1 Mexico. If a student exits from the school system at the end
2 of grade twelve without having passed a state graduation
3 examination, the student shall receive an appropriate state
4 certificate indicating the number of credits earned and the
5 grade completed. If within five years after a student exits
6 from the school system the student takes and passes the state
7 graduation examination, the student may receive a high school
8 diploma. Any student passing the state graduation examination
9 and completing all other requirements within five years of
10 entering ninth grade, including a final summer session if
11 completed by August 1, may be counted by the school system in
12 which the student is enrolled as a high school graduate for the
13 year in which completion and examination occur.

14 L. Beginning with the 2010-2011 school year, a
15 student shall not receive a New Mexico diploma of excellence if
16 the student has not demonstrated competence in the subject
17 areas of mathematics, reading and language arts, writing
18 [~~social studies~~] and science, [~~including a section on the~~
19 ~~constitution of the United States and the constitution of New~~
20 ~~Mexico~~] based on a standards-based assessment or assessments or
21 a portfolio of standards-based indicators established by the
22 department by rule. Beginning with the 2011-2012 school year,
23 a student shall not receive a New Mexico diploma of excellence
24 if the student has not demonstrated competence in the subject
25 areas of mathematics, reading and language arts, writing,

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

21 M. As used in this section:

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

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1 internship or apprenticeship, military service or a job;

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

6 (3) "next-step plan" means an annual personal
7 written plan of studies developed by a student in a public
8 school or other state-supported school or institution in
9 consultation with the student's parent and school counselor or
10 other school official charged with coursework planning for the
11 student that includes one or more of the 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 7. A new section of the Public School Code is
23 enacted to read:

24 "[NEW MATERIAL] SUSPENSION OF CODE REQUIREMENTS--SOLVENCY
25 MEASURES--PUBLIC HEARINGS.--

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A. Before implementing solvency measures due to necessary appropriation reductions in fiscal years 2010 and 2011, each local school board shall hold at least one public hearing and encourage comment from school personnel, parents, the business community and other interested persons.

B. Following the public hearing, the local school board shall provide a synopsis of the public hearing and comments to the department and the legislative education study committee, along with the solvency measures to be implemented by the school district."

Section 8. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.