

HOUSE HEALTH COMMITTEE SUBSTITUTE FOR
HOUSE BILL 104

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

AN ACT

RELATING TO HEALTH EDUCATION; AMENDING SECTIONS OF THE PUBLIC SCHOOL CODE TO REQUIRE THE PUBLIC EDUCATION DEPARTMENT TO ADD LIFESAVING SKILLS TRAINING TO THE HEALTH EDUCATION CURRICULUM FOR STUDENTS.

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

SECTION 1. Section 22-13-1 NMSA 1978 (being Laws 2003, Chapter 153, Section 57, as amended) is amended to read:

"22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS REQUIRED--ACCREDITATION.--

A. The department shall require public schools to address department-approved academic content and performance standards when instructing in specific department-required subject areas as provided in this section. A public school or school district failing to meet these minimum requirements

.203621.1

underscored material = new
[bracketed material] = delete

1 shall not be accredited by the department.

2 B. All kindergarten through third grade classes
3 shall provide daily instruction in reading and language arts
4 skills, including phonemic awareness, phonics and
5 comprehension, and in mathematics. Students in kindergarten
6 and first grades shall be screened and monitored for progress
7 in reading and language arts skills, and students in second
8 grade shall take diagnostic tests on reading and language arts
9 skills.

10 C. All first, second and third grade classes shall
11 provide instruction in art, music and a language other than
12 English, and instruction that meets content and performance
13 standards shall be provided in science, social studies,
14 physical education and health education.

15 D. In fourth through eighth grades, instruction
16 that meets academic content and performance standards shall be
17 provided in the following subject areas:

18 (1) reading and language arts skills, with an
19 emphasis on writing and editing for at least one year and an
20 emphasis on grammar and writing for at least one year;

21 (2) mathematics;

22 (3) language other than English;

23 (4) communication skills;

24 (5) science;

25 (6) art;

- 1 (7) music;
2 (8) social studies;
3 (9) New Mexico history;
4 (10) United States history;
5 (11) geography;
6 (12) physical education; and
7 (13) health education.

8 E. Beginning with the 2008-2009 school year, in
9 eighth grade, algebra 1 shall be offered in regular classroom
10 settings or through online courses or agreements with high
11 schools.

12 F. In fourth through eighth grades, school
13 districts shall offer electives that contribute to academic
14 growth and skill development and provide career and technical
15 education. In sixth through eighth grades, media literacy may
16 be offered as an elective.

17 G. In ninth through twelfth grades, instruction
18 that meets academic content and performance standards shall be
19 provided in health education.

20 H. All health education courses shall include:

21 (1) age-appropriate sexual abuse and assault
22 awareness and prevention training that meets department
23 standards developed in consultation with the federal centers
24 for disease control and prevention that are based on evidence-
25 based methods that have proven to be effective; and

.203621.1

1 (2) lifesaving skills training that follows
2 nationally recognized guidelines for hands-on psychomotor
3 skills cardiopulmonary resuscitation training. Students shall
4 be trained to recognize the signs of a heart attack, use an
5 automated external defibrillator and perform the Heimlich
6 maneuver for choking victims. The secretary shall promulgate
7 rules to provide for the:

8 (a) use of the following instructors for
9 the training provided pursuant to this paragraph: 1) school
10 nurses, health teachers and athletic department personnel as
11 instructors; and 2) any qualified persons volunteering to
12 provide training at no cost to the school district that the
13 school district determines to be eligible to offer instruction
14 pursuant to this paragraph; and

15 (b) approval of training and
16 instructional materials related to the training established
17 pursuant to this paragraph in both English and Spanish."

18 SECTION 2. Section 22-13-1.1 NMSA 1978 (being Laws 1986,
19 Chapter 33, Section 5, as amended) is amended to read:

20 "22-13-1.1. GRADUATION REQUIREMENTS.--

21 A. At the end of grades eight through eleven, each
22 student shall prepare an interim next-step plan that sets forth
23 the coursework for the grades remaining until high school
24 graduation. Each year's plan shall explain any differences
25 from previous interim next-step plans, shall be filed with the

.203621.1

1 principal of the student's high school and shall be signed by
2 the student, the student's parent and the student's guidance
3 counselor or other school official charged with coursework
4 planning for the student.

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

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

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

22 (1) curricular and course options, including
23 honors or advanced placement courses, dual-credit courses,
24 distance learning courses, career clusters and career pathways,
25 pre-apprenticeship programs or remediation programs that the

.203621.1

1 college and workplace readiness assessments indicate to be
2 appropriate;

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

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

7 E. The secretary shall:

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

12 (2) promulgate rules for accredited private
13 schools in order to ensure substantial compliance with the
14 provisions of this section;

15 (3) monitor compliance with the requirements
16 of this section; and

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

21 F. Once a student has entered ninth grade, the
22 graduation requirements shall not be changed for that student
23 from the requirements specified in the law at the time the
24 student entered ninth grade.

25 G. Successful completion of a minimum of twenty-

1 three units aligned to the state academic content and
2 performance standards shall be required for graduation. These
3 units shall be as follows:

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

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

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

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

16 (5) one unit in physical education;

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

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

23 (8) nine elective units and seven and one-half
24 elective units for students entering the ninth grade in the
25 2005-2006 school year that meet department content and

.203621.1

1 performance standards. Student service learning shall be
2 offered as an elective. Financial literacy shall be offered as
3 an elective. Pre-apprenticeship programs may be offered as
4 electives. Media literacy may be offered as an elective.

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

11 I. The department shall establish a procedure for
12 students to be awarded credit through completion of specified
13 career technical education courses for certain graduation
14 requirements, and districts may choose to allow students who
15 successfully complete an industry-recognized credential,
16 certificate or degree to receive additional weight in the
17 calculation of the student's grade point average.

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

- 25 (1) four units in English, with major emphasis

1 on grammar, nonfiction writing and literature;

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

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

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

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

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

25 (7) seven and one-half elective units that

.203621.1

1 meet department content and performance standards. Career and
2 technical education courses shall be offered as an elective.
3 Student service learning shall be offered as an elective.
4 Financial literacy shall be offered as an elective. Pre-
5 apprenticeship programs may be offered as electives. Media
6 literacy may be offered as an elective.

7 K. For students entering the eighth grade in the
8 2012-2013 school year, a course in health education is required
9 prior to graduation. Health education may be required in
10 either middle school or high school, as determined by the
11 school district. Each school district shall submit to the
12 department by the beginning of the 2011-2012 school year a
13 health education implementation plan for the 2012-2013 and
14 subsequent school years, including in which grade health
15 education will be required and how the course aligns with
16 department content and performance standards. Health education
17 shall include:

18 (1) 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; and

23 (2) lifesaving skills training that follows
24 nationally recognized guidelines for hands-on psychomotor
25 skills cardiopulmonary resuscitation training. Students shall

1 be trained to recognize the signs of a heart attack, use an
2 automated external defibrillator and perform the Heimlich
3 maneuver for choking victims. The secretary shall promulgate
4 rules to provide for the:

5 (a) use of the following instructors for
6 the training provided pursuant to this paragraph: 1) school
7 nurses, health teachers and athletic department personnel as
8 instructors; and 2) any qualified persons volunteering to
9 provide training at no cost to the school district that the
10 school district determines to be eligible to offer instruction
11 pursuant to this paragraph; and

12 (b) approval of training and
13 instructional materials related to the training established
14 pursuant to this paragraph in both English and Spanish.

15 L. Final examinations shall be administered to all
16 students in all classes offered for credit.

17 M. Until July 1, 2010, a student who has not passed
18 a state graduation examination in the subject areas of reading,
19 English, mathematics, writing, science and social science shall
20 not receive a high school diploma. The state graduation
21 examination on social science shall include a section on the
22 constitution of the United States and the constitution of New
23 Mexico. If a student exits from the school system at the end
24 of grade twelve without having passed a state graduation
25 examination, the student shall receive an appropriate state

.203621.1

1 certificate indicating the number of credits earned and the
2 grade completed. If within five years after a student exits
3 from the school system the student takes and passes the state
4 graduation examination, the student may receive a high school
5 diploma. Any student passing the state graduation examination
6 and completing all other requirements within five years of
7 entering ninth grade, including a final summer session if
8 completed by August 1, may be counted by the school system in
9 which the student is enrolled as a high school graduate for the
10 year in which completion and examination occur.

11 N. Beginning with the 2010-2011 school year, a
12 student shall not receive a New Mexico diploma of excellence if
13 the student has not demonstrated competence in the subject
14 areas of mathematics, reading and language arts, writing,
15 social studies and science, including a section on the
16 constitution of the United States and the constitution of New
17 Mexico, based on a standards-based assessment or assessments or
18 a portfolio of standards-based indicators established by the
19 department by rule. The standards-based assessments required
20 in Section 22-2C-4 NMSA 1978 may also serve as the assessment
21 required for high school graduation. If a student exits from
22 the school system at the end of grade twelve without having
23 satisfied the requirements of this subsection, the student
24 shall receive an appropriate state certificate indicating the
25 number of credits earned and the grade completed. If within

.203621.1

1 five years after a student exits from the school system the
2 student satisfies the [~~requirement~~] requirements of this
3 subsection, the student may receive a New Mexico diploma of
4 excellence. Any student satisfying the requirements of this
5 subsection and completing all other requirements within five
6 years of entering ninth grade, including a final summer session
7 if completed by August 1, may be counted by the school system
8 in which the student is enrolled as a high school graduate for
9 the year in which all requirements are satisfied.

10 0. As used in this section:

11 (1) "career and technical education",
12 sometimes referred to as "vocational education", means
13 organized programs offering a sequence of courses, including
14 technical education and applied technology education, that are
15 directly related to the preparation of individuals for paid or
16 unpaid employment in current or emerging occupations requiring
17 an industry-recognized credential, certificate or degree;

18 (2) "career and technical education course"
19 means a course with content that provides technical knowledge,
20 skills and competency-based applied learning and that aligns
21 with educational standards and expectations as defined in rule;

22 (3) "career cluster" means a grouping of
23 occupations in industry sectors based on recognized
24 commonalities that provide an organizing tool for developing
25 instruction within the educational system;

.203621.1

1 (4) "career pathways" means a sub-grouping
2 used as an organizing tool for curriculum design and
3 instruction of occupations and career specialities that share a
4 set of common knowledge and skills for career success;

5 (5) "final next-step plan" means a next-step
6 plan that shows that the student has committed or intends to
7 commit in the near future to a four-year college or university,
8 a two-year college, a trade or vocational program, an
9 internship or apprenticeship, military service or a job;

10 (6) "interim next-step plan" means an annual
11 next-step plan in which the student specifies post-high-school
12 goals and sets forth the coursework that will allow the student
13 to achieve those goals; and

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

20 (a) advanced placement or honors
21 courses;

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

24 (c) distance learning courses;

25 (d) career-technical courses; and

1 (e) pre-apprenticeship programs.

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

5 SECTION 3. TEMPORARY PROVISION--PSYCHOMOTOR
6 CARDIOPULMONARY SKILLS TRAINING--RULEMAKING.--By December 31,
7 2016, the secretary of public education shall adopt and
8 promulgate rules to implement the provisions of Sections 1 and
9 2 of this act.

10 SECTION 4. APPLICABILITY.--Lifesaving skills training
11 pursuant to Paragraph (2) of Subsection H of Section 22-13-1
12 NMSA 1978 and Paragraph (2) of Subsection K of Section
13 22-13-1.1 NMSA 1978 shall not be required for students in
14 grades nine through twelve who are enrolled in a virtual
15 charter school.

16 - 15 -

underscored material = new
[bracketed material] = delete

17
18
19
20
21
22
23
24
25