

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 24

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Nate Gentry

AN ACT

RELATING TO PUBLIC SCHOOLS; PROHIBITING THE USE OF ATHLETIC PERFORMANCE AND SKILLS AS A BASIS FOR GRADING IN PHYSICAL EDUCATION COURSES.

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 by Laws 2016, Chapter 17, Section 1 and by Laws 2016, Chapter 18, Section 1) 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

1 school district failing to meet these minimum requirements  
2 shall not be accredited by the department.

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

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

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

- 19 (1) reading and language arts skills, with an  
20 emphasis on writing and editing for at least one year and an  
21 emphasis on grammar and writing for at least one year;
- 22 (2) mathematics;
- 23 (3) language other than English;
- 24 (4) communication skills;
- 25 (5) science;

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

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

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

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

21 H. All health education courses shall include:

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

underscored material = new  
[bracketed material] = delete

1 based methods that have proven to be effective; and

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

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

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

19 I. Beginning with the 2018-2019 school year, the  
20 department shall by rule prohibit consideration of athletic  
21 performance or skills when a teacher assigns a grade for a  
22 physical education course."