

HOUSE BILL 126

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; CHANGING GRADUATION REQUIREMENTS
FOR STUDENTS ENTERING NINTH GRADE IN THE 2024-2025 SCHOOL YEAR.

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

SECTION 1. Section 22-13-1.1 NMSA 1978 (being Laws 1986,
Chapter 33, Section 5, as amended) is amended to read:

"22-13-1.1. GRADUATION REQUIREMENTS--NEXT-STEP PLANS--
GRADUATE PROFILES.--

A. The purpose of the New Mexico diploma of
excellence is 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. The purpose of the state's minimum graduation
requirements is to establish rigorous expectations to support
that success.

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1 B. School districts and charter schools are
2 encouraged to make available courses and programs of study that
3 allow students to pursue a range of post-secondary
4 opportunities, workforce opportunities and knowledge in
5 entrepreneurship principles, as determined by the student's
6 next-step plan and the school district or charter school's
7 graduate profile.

8 ~~[A.]~~ C. At the end of grades eight through eleven,
9 each student shall prepare an interim next-step plan that sets
10 forth the coursework for the grades remaining until high school
11 graduation. Each year's plan shall be aligned to the graduate
12 profile of the student's school district or charter school,
13 shall explain any differences from previous interim next-step
14 plans, shall be filed with the principal of the student's high
15 school and shall be signed by the student, the student's parent
16 and the student's guidance counselor or other school official
17 charged with coursework planning for the student.

18 ~~[B.]~~ D. Each student must complete a final next-
19 step plan during the senior year and prior to graduation. The
20 plan shall be aligned to the graduate profile of the student's
21 school district or charter school, shall be filed with the
22 principal of the student's high school and shall be signed by
23 the student, the student's parent and the student's guidance
24 counselor or other school official charged with coursework
25 planning for the student.

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1 ~~[E.]~~ E. An individualized education program that
2 meets the requirements of Subsections ~~[A and B]~~ C and D of this
3 section and that meets all applicable transition and procedural
4 requirements of the federal Individuals with Disabilities
5 Education Act for a student with a disability shall satisfy the
6 next-step plan requirements of this section for that student.

7 ~~[D.]~~ F. A local school board or governing body of a
8 charter school shall ensure that each high school student has
9 the opportunity to develop a next-step plan based on reports of
10 college and workplace readiness assessments, as available, and
11 other factors and is reasonably informed about:

12 (1) curricular and course options, including
13 honors or advanced placement courses, dual-credit courses,
14 distance learning courses, career clusters and career pathways,
15 pre-apprenticeship programs or remediation programs that the
16 college and workplace readiness assessments indicate to be
17 appropriate;

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

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

22 ~~[E.]~~ G. The secretary shall:

23 (1) establish specific accountability
24 standards for administrators, counselors, teachers and school
25 district or charter school staff to ensure that every student

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1 has the opportunity to develop a next-step plan;

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

5 (3) monitor compliance with the requirements
6 of this section; and

7 (4) compile such information as is necessary
8 to evaluate the success of next-step plans and report annually,
9 by December 15, to the legislative education study committee
10 and the governor.

11 [~~F.~~] H. Once a student has entered ninth grade, the
12 graduation requirements shall not be changed for that student
13 from the requirements specified in the law at the time the
14 student entered ninth grade.

15 [~~G. Successful completion of a minimum of twenty-~~
16 ~~three units aligned to the state academic content and~~
17 ~~performance standards shall be required for graduation. These~~
18 ~~units shall be as follows:~~

19 (~~1) four units in English, with major emphasis~~
20 ~~on grammar and literature;~~

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

23 (~~3) two units in science, one of which shall~~
24 ~~have a laboratory component; provided, however, that with~~
25 ~~students entering the ninth grade beginning in the 2005-2006~~

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1 ~~school year, three units in science shall be required, one of~~
2 ~~which shall have a laboratory component;~~

3 ~~(4) three units in social science, which shall~~
4 ~~include United States history and geography, world history and~~
5 ~~geography and government and economics;~~

6 ~~(5) one unit in physical education;~~

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

10 ~~(7) one-half unit in New Mexico history for~~
11 ~~students entering the ninth grade beginning in the 2005-2006~~
12 ~~school year; and~~

13 ~~(8) nine elective units and seven and one-half~~
14 ~~elective units for students entering the ninth grade in the~~
15 ~~2005-2006 school year that meet department content and~~
16 ~~performance standards. Student service learning shall be~~
17 ~~offered as an elective. Financial literacy shall be offered as~~
18 ~~an elective. Pre-apprenticeship programs may be offered as~~
19 ~~electives. Media literacy may be offered as an elective.~~

20 H.] I. For students entering the ninth grade
21 beginning in the 2009-2010 school year, at least one of the
22 units required for graduation shall be earned as an advanced
23 placement or honors course, a dual-credit course offered in
24 cooperation with an institution of higher education or a
25 distance learning course.

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1 ~~[F.]~~ J. The department shall establish a procedure
2 for students to be awarded credit through completion of
3 specified career technical education ~~[courses]~~ for certain
4 graduation requirements, and districts may choose to allow
5 students who successfully complete an industry-recognized
6 credential, certificate or degree to receive additional weight
7 in the calculation of the student's grade point average.

8 ~~[J.]~~ K. Successful completion of the requirements
9 of the New Mexico diploma of excellence shall be required for
10 graduation for students entering the ninth grade beginning in
11 the 2009-2010 school year. Successful completion of a minimum
12 of twenty-four units aligned to the state academic content and
13 performance standards shall be required to earn a New Mexico
14 diploma of excellence. These units shall be as follows:

15 (1) four units in English, with major emphasis
16 on grammar, nonfiction writing and literature; provided that
17 department-approved work-based training or career and technical
18 education courses that meet state English academic content
19 performance standards shall qualify as one of the four required
20 English units;

21 (2) four units in mathematics, of which one
22 shall be the equivalent to or higher than the level of algebra
23 2, unless the parent submitted written, signed permission for
24 the student to complete a lesser mathematics unit; and provided
25 that a financial literacy course or department-approved work-

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1 based training or career and technical education course that
2 meets state mathematics academic content and performance
3 standards shall qualify as one of the four required mathematics
4 units;

5 (3) three units in science, two of which shall
6 have a laboratory component; provided that department-approved
7 work-based training or career and technical education courses
8 that meet state science academic content and performance
9 standards shall qualify as one of the three required science
10 units;

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 or charter school, which may
17 include a physical education program that meets state content
18 and performance standards or participation in marching band,
19 junior reserve officers' training corps or interscholastic
20 sports sanctioned by the New Mexico activities association or
21 any 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

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

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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 or charter
10 school that the school district or charter school determines to
11 be eligible to offer instruction pursuant to this paragraph;
12 and

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

16 [~~H.~~] M. For students entering the ninth grade in
17 the 2017-2018 school year and subsequent school years:

18 (1) one of the units in mathematics required
19 by Paragraph (2) of Subsection [~~J~~] K of this section may
20 comprise a computer science course if taken after the student
21 demonstrates competence in mathematics and if the course is not
22 used to satisfy any part of the requirement set forth in
23 Paragraph (3) of that subsection; and

24 (2) one of the units in science required by
25 Paragraph (3) of Subsection [~~J~~] K of this section may comprise

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1 a computer science course if taken after the student
2 demonstrates competence in science and if the course is not
3 used to satisfy any part of the requirement set forth in
4 Paragraph (2) of that subsection.

5 ~~[M.]~~ N. Final examinations shall be administered to
6 all students in all classes offered for credit.

7 ~~[N. Until July 1, 2010, a student who has not~~
8 ~~passed a state graduation examination in the subject areas of~~
9 ~~reading, English, mathematics, writing, science and social~~
10 ~~science shall not receive a high school diploma. The state~~
11 ~~graduation examination on social science shall include a~~
12 ~~section on the constitution of the United States and the~~
13 ~~constitution of New Mexico. If a student exits from the school~~
14 ~~system at the end of grade twelve without having passed a state~~
15 ~~graduation examination, the student shall receive an~~
16 ~~appropriate state certificate indicating the number of credits~~
17 ~~earned and the grade completed. If within five years after a~~
18 ~~student exits from the school system the student takes and~~
19 ~~passes the state graduation examination, the student may~~
20 ~~receive a high school diploma. Any student passing the state~~
21 ~~graduation examination and completing all other requirements~~
22 ~~within five years of entering ninth grade, including a final~~
23 ~~summer session if completed by August 1, may be counted by the~~
24 ~~school system in which the student is enrolled as a high school~~
25 ~~graduate for the year in which completion and examination~~

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1 occur.]

2 0. Beginning with the 2010-2011 school year, a
3 student shall not receive a New Mexico diploma of excellence if
4 the student has not demonstrated competence in the subject
5 areas of mathematics, reading and language arts, writing,
6 social studies and science, including a section on the
7 constitution of the United States and the constitution of
8 New Mexico, based on a standards-based assessment or
9 assessments or a portfolio of standards-based indicators
10 established by the department by rule. The standards-based
11 assessments required in Section 22-2C-4 NMSA 1978 may also
12 serve as the assessment required for high school graduation.
13 If a student exits from the school system at the end of grade
14 twelve without having satisfied the requirements of this
15 subsection, the student shall receive an appropriate state
16 certificate indicating the number of credits earned and the
17 grade completed. If within five years after a student exits
18 from the school system the student satisfies the requirements
19 of this subsection, the student may receive a New Mexico
20 diploma of excellence. Any student satisfying the requirements
21 of this subsection and completing all other requirements within
22 five years of entering ninth grade, including a final summer
23 session if completed by August 1, may be counted by the school
24 system in which the student is enrolled as a high school
25 graduate for the year in which all requirements are satisfied.

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1 P. Beginning with students entering the ninth grade
2 in the 2024-2025 school year, successful completion of a
3 minimum of twenty-two units aligned to the state academic
4 content and performance standards shall be required for
5 graduation and the award of a New Mexico diploma of excellence.

6 These units shall be as follows:

7 (1) four units in English, which must include
8 a sequence of three units; provided that department-approved
9 work-based learning, career technical education or English
10 language development courses that meet state English or English
11 language development academic content and performance standards
12 may qualify as required English units;

13 (2) four units in mathematics, two of which
14 shall include a sequence of algebra 1 and geometry or another
15 integrated pathway of mathematics equivalent to algebra 1 and
16 geometry; provided that department-approved work-based learning
17 or career technical education courses that meet state
18 mathematics academic and performance standards may qualify as
19 required mathematics units;

20 (3) three units in science, two of which shall
21 have a laboratory component; provided that department-approved
22 work-based learning or career technical education courses that
23 meet state science academic content and performance standards
24 may qualify as required science units;

25 (4) four units in social science, which

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1 include United States history and geography, which course
2 content contains New Mexico history; government and economics,
3 which course content contains civics; and world history and
4 geography;

5 (5) one-half unit in physical education, as
6 determined by the school district or charter school, which may
7 include a physical education program that meets state academic
8 content and performance standards or participation in marching
9 band, junior reserve officers' training corps or
10 interscholastic sports sanctioned by the New Mexico activities
11 association or any other co-curricular physical activity;

12 (6) one-half unit in health education;

13 (7) four elective units that meet department
14 academic content and performance standards and that must
15 include a two-unit pathway concentration of the student's
16 choice in world language, fine arts, health, military career
17 preparation, career technical education, community learning or
18 a capstone course or work-based learning; and

19 (8) two units set by each local school board
20 or governing body of a charter school that meet department
21 academic content and performance standards.

22 Q. If a high school student who has taken one or
23 both units provided in Paragraph (8) of Subsection P of this
24 section moves from one school district or charter school to
25 another, the receiving school district or charter school shall

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1 accept those earned units toward the student's graduation.

2 R. For students entering the ninth grade in the
3 2024-2025 school year, one-half unit of health education is
4 required in high school. Health education courses shall
5 include:

6 (1) age-appropriate sexual abuse and assault
7 awareness and prevention training that meets department
8 standards developed in consultation with the federal centers
9 for disease control and prevention that are based on evidence-
10 based methods that have proven to be effective; and

11 (2) lifesaving skills training that follows
12 nationally recognized guidelines for hands-on psychomotor
13 skills cardiopulmonary resuscitation training. Students shall
14 be trained to recognize the signs of a heart attack, use an
15 automated external defibrillator and perform the Heimlich
16 maneuver for choking victims. The secretary shall promulgate
17 rules to provide for the:

18 (a) use of the following instructors for
19 the training provided pursuant to this paragraph: 1) school
20 nurses, health teachers and athletic department personnel as
21 instructors; and 2) any qualified persons volunteering to
22 provide training at no cost to the school district or charter
23 school that the school district or charter school determines to
24 be eligible to offer instruction pursuant to this paragraph;
25 and

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1 (b) approval of training and
2 instructional materials related to the training established
3 pursuant to this paragraph in both English and Spanish.

4 S. Nothing in the minimum graduation requirements
5 specified in Subsection P of this section affects:

6 (1) a school district's or charter school's
7 authority to require more units for graduation than provided in
8 this section; or

9 (2) a student's opportunity to take advanced
10 placement or honors courses or distance learning courses
11 offered by the public school or dual credit courses offered in
12 cooperation with institutions of higher education.

13 T. Subject to the department's academic content and
14 performance standards and other provisions of this section,
15 every school district and charter school shall develop a
16 graduate profile:

17 (1) that is specific to each community;

18 (2) that outlines the core academic
19 competencies and subjects that are key to graduates' post-high
20 school success; and

21 (3) to which required units are aligned.

22 U. The department shall adopt and promulgate rules
23 to implement graduation requirements by no later than December
24 31, 2023. The rules shall include revisions to expand course
25 offerings so that students have access to a range of rigorous

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1 academic options and career technical education courses and to
2 establish guidance for the development of graduate profiles.

3 [P-] V. As used in this section:

4 (1) "capstone course" means a multifaceted
5 academic and intellectual experience that may take a wide
6 variety of forms and that culminates in a final product or
7 performance and a presentation explaining how the final product
8 or performance explicates the chosen course to an evaluation
9 panel convened by the public school to evaluate the quality of
10 the course and the final product or performance;

11 [~~(1)~~] (2) "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)~~] (3) "career [~~and~~] technical education
19 course" means a course with content that provides technical
20 knowledge, skills and competency-based applied learning and
21 that aligns with educational standards and expectations as
22 defined in rule;

23 [~~(3)~~] (4) "career cluster" means a grouping of
24 occupations in industry sectors based on recognized
25 commonalities that provide an organizing tool for developing

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1 instruction within the educational system;

2 [~~(4)~~] (5) "career pathways" means a sub-
3 grouping used as an organizing tool for curriculum design and
4 instruction of occupations and career specialities that share a
5 set of common knowledge and skills for career success;

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

11 (7) "graduate profile" means a document that a
12 school district or charter school uses to specify the
13 cognitive, personal and interpersonal competencies that
14 students should have when they graduate;

15 [~~(6)~~] (8) "interim next-step plan" means an
16 annual next-step plan in which the student specifies post-high-
17 school goals and sets forth the coursework that will allow the
18 student to achieve those goals; and

19 [~~(7)~~] (9) "next-step plan" means an annual
20 personal written plan of studies developed by a student in a
21 public school or other state-supported school or institution in
22 consultation with the student's parent and school counselor or
23 other school official charged with coursework planning for the
24 student that includes one or more of the following:

25 (a) advanced placement or honors

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1 courses;

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

4 (c) distance learning courses;

5 (d) ~~[career-technical]~~ career technical
6 courses; and

7 (e) pre-apprenticeship programs.

8 [Q.] W. The secretary may establish a policy to
9 provide for administrative interpretations to clarify
10 curricular and testing provisions of the Public School Code."