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HOUSE BILL 159

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Benjamin H. Rodefer

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING FINE ARTS TO BE TAUGHT AT
LEAST ONCE A WEEK IN KINDERGARTEN THROUGH SIXTH GRADE;
EXPANDING THE APPLICABILITY OF FINE ARTS EDUCATION PROGRAM
UNITS; EXPANDING AND MAKING MANDATORY THE PROVISIONS OF THE
FINE ARTS EDUCATION ACT.

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

Section 1. Section 22-8-23.5 NMSA 1978 (being Laws 2003,
Chapter 144, Section 3 and Laws 2003, Chapter 152, Section 8)
is amended to read:

"22-8-23.5. FINE ARTS EDUCATION PROGRAM UNITS.--The
number of fine arts education program units is determined by
multiplying the full-time-equivalent MEM in programs
~~[implemented in accordance with the provisions of the Fine Arts
Education Act]~~ in kindergarten through sixth grade fine arts as
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1 provided in Section 22-13-1 NMSA 1978 and the Fine Arts
2 Education Act by the cost differential factor of [~~0.0166 for~~
3 ~~fiscal year 2004, 0.0332 for fiscal year 2005 and~~] 0.05 [~~for~~
4 ~~fiscal year 2006 and succeeding fiscal years~~]."

5 Section 2. Section 22-13-1 NMSA 1978 (being Laws 2003,
6 Chapter 153, Section 57, as amended) is amended to read:

7 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
8 REQUIRED--ACCREDITATION.--

9 A. The department shall require public schools to
10 address department-approved academic content and performance
11 standards when instructing in specific department-required
12 subject areas as provided in this section. A public school or
13 school district failing to meet these minimum requirements
14 shall not be accredited by the department.

15 B. All kindergarten through third grade classes
16 shall provide daily instruction in reading and language arts
17 skills, including phonemic awareness, phonics and
18 comprehension, and in mathematics. Students in kindergarten
19 and first grades shall be screened and monitored for progress
20 in reading and language arts skills and students in second
21 grade shall take diagnostic tests on reading and language arts
22 skills.

23 C. All first, second and third grade classes shall
24 provide instruction in [~~art, music and~~] a language other than
25 English, and instruction that meets content and performance

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1 standards shall be provided in science, social studies,
2 physical education and health education.

3 D. All kindergarten through sixth grade classes
4 shall provide instruction in fine arts, including visual arts,
5 music, theater and dance, that meets the requirements of the
6 Fine Arts Education Act at least once per week.

7 [~~D.~~] E. In fourth through eighth grades,
8 instruction that meets academic content and performance
9 standards shall be provided in the following subject areas:

- 10 (1) reading and language arts skills, with an
11 emphasis on writing and editing for at least one year and an
12 emphasis on grammar and writing for at least one year;
- 13 (2) mathematics;
- 14 (3) language other than English;
- 15 (4) communication skills;
- 16 (5) science;
- 17 (6) art;
- 18 (7) music;
- 19 (8) social studies;
- 20 (9) New Mexico history;
- 21 (10) United States history;
- 22 (11) geography;
- 23 (12) physical education; and
- 24 (13) health education.

25 [~~E.~~] F. Beginning with the 2008-2009 school year,

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1 in eighth grade, algebra 1 shall be offered in regular
2 classroom settings or through on-line courses or agreements
3 with high schools.

4 [F-] G. In fourth through eighth grades, school
5 districts shall offer electives that contribute to academic
6 growth and skill development and provide career and technical
7 education. In sixth through eighth grades, media literacy may
8 be offered as an elective.

9 [G-] H. In ninth through twelfth grades,
10 instruction that meets academic content and performance
11 standards shall be provided in health education."

12 Section 3. Section 22-15D-2 NMSA 1978 (being Laws 2003,
13 Chapter 152, Section 2, as amended) is amended to read:

14 "22-15D-2. PURPOSE.--

15 A. The purpose of the Fine Arts Education Act is to
16 [~~encourage~~] require school districts and state-chartered
17 charter schools to offer opportunities for [~~elementary school~~]
18 kindergarten through sixth grade students to participate in
19 fine arts activities, including visual arts, music, theater and
20 dance.

21 B. Participation in fine arts programs encourages
22 cognitive and affective development by:

23 (1) focusing on a variety of learning styles
24 and engaging students who might otherwise fail;

25 (2) training students in complex thinking and

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1 learning;

2 (3) helping students to devise creative
3 solutions for problems;

4 (4) providing students new challenges; and

5 (5) teaching students how to work
6 cooperatively with others and to understand and value diverse
7 cultures."

8 Section 4. Section 22-15D-5 NMSA 1978 (being Laws 2003,
9 Chapter 152, Section 5, as amended) is amended to read:

10 "22-15D-5. PROGRAM PLAN AND EVALUATION.--

11 A. [A] School [~~district or state-chartered~~]
12 districts and charter [school may] schools shall prepare and
13 submit to the department a fine arts education program plan in
14 accordance with guidelines issued by the department.

15 B. At a minimum, the plan shall include the fine
16 arts education programs being taught, the ways in which the
17 fine arts are being integrated into the curriculum and an
18 evaluation component.

19 C. At yearly intervals, the school district or
20 [~~state-chartered~~] charter school, the department and a parent
21 advisory committee from the school district or charter school
22 shall review the goals and priorities of the plan and make
23 appropriate recommendations to the secretary."