

1 SENATE BILL 137

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Steven P. Neville

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10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; REQUIRING KINDERGARTEN THROUGH
12 THIRD GRADES TO PROVIDE THIRTY-MINUTE RECESS IN ADDITION TO
13 PHYSICAL EDUCATION; PROVIDING THAT RECESS MAY BE ALIGNED WITH
14 OTHER PROGRAMMING.

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

17 SECTION 1. Section 22-13-1 NMSA 1978 (being Laws 2003,
18 Chapter 153, Section 57, as amended by Laws 2016, Chapter 17,
19 Section 1 and by Laws 2016, Chapter 18, Section 1) is amended
20 to read:

21 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
22 REQUIRED--ACCREDITATION.--

23 A. The department shall require public schools to
24 address department-approved academic content and performance
25 standards when instructing in specific department-required

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1 subject areas as provided in this section. A public school or
2 school district failing to meet these minimum requirements
3 shall not be accredited by the department.

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

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

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

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

23 (2) mathematics;

24 (3) language other than English;

25 (4) communication skills;

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

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

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

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

22 H. All health education courses shall include:

- 23 (1) age-appropriate sexual abuse and assault
24 awareness and prevention training that meets department
25 standards developed in consultation with the federal centers

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1 for disease control and prevention that are based on evidence-
2 based methods that have proven to be effective; and

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

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

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

20 I. Beginning with the 2023-2024 school year, all
21 kindergarten through third grades shall provide at least thirty
22 minutes of unstructured, child-directed, supervised recess time
23 each day, which time is not included as part of the
24 instructional day. Recess shall be in addition to physical
25 education classes. Recess time may be aligned with programs

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1 involving character development, social-emotional learning,
2 positive behavior and bullying prevention."

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