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SENATE BILL 181

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

David M. Gallegos and Cathrynn N. Brown

AN ACT

RELATING TO PUBLIC EDUCATION; ALLOWING PERSONAL FINANCE TO  
COUNT AS AN ELECTIVE IN SIXTH THROUGH EIGHTH GRADES; AMENDING  
GRADUATION REQUIREMENTS; ALLOWING ONE-HALF UNIT OF PERSONAL  
FINANCE TO COUNT AS AN ELECTIVE UNIT PRIOR TO GRADUATION;  
MAKING AN APPROPRIATION.

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

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

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

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

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

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

24 (2) mathematics;

25 (3) language other than English;

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

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

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

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

23 H. All health education courses shall include:

- 24 (1) age-appropriate sexual abuse and assault  
25 awareness and prevention training that meets department

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1 standards developed in consultation with the federal centers  
2 for disease control and prevention that are based on evidence-  
3 based methods that have proven to be effective; and

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

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

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

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

23 "22-13-1.1. GRADUATION REQUIREMENTS.--

24 A. At the end of grades eight through eleven, each  
25 student shall prepare an interim next-step plan that sets forth

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1 the coursework for the grades remaining until high school  
2 graduation. Each year's plan shall explain any differences  
3 from previous interim next-step plans, shall be filed with the  
4 principal of the student's high school and shall be signed by  
5 the student, the student's parent and the student's guidance  
6 counselor or other school official charged with coursework  
7 planning for the student.

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

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

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

- 25 (1) curricular and course options, including

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1 honors or advanced placement courses, dual-credit courses,  
2 distance learning courses, career clusters and career pathways,  
3 pre-apprenticeship programs or remediation programs that the  
4 college and workplace readiness assessments indicate to be  
5 appropriate;

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

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

10 E. The secretary shall:

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

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

18 (3) monitor compliance with the requirements  
19 of this section; and

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

24 F. Once a student has entered ninth grade, the  
25 graduation requirements shall not be changed for that student

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1 from the requirements specified in the law at the time the  
2 student entered ninth grade.

3 ~~[G. Successful completion of a minimum of twenty-~~  
4 ~~three units aligned to the state academic content and~~  
5 ~~performance standards shall be required for graduation. These~~  
6 ~~units shall be as follows:~~

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

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

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

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

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

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

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

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1                   ~~(8) nine elective units and seven and one-half~~  
2 ~~elective units for students entering the ninth grade in the~~  
3 ~~2005-2006 school year that meet department content and~~  
4 ~~performance standards. Student service learning shall be~~  
5 ~~offered as an elective. Financial literacy shall be offered as~~  
6 ~~an elective. Pre-apprenticeship programs may be offered as~~  
7 ~~electives. Media literacy may be offered as an elective.~~

8                   ~~H. For students entering the ninth grade beginning~~  
9 ~~in the 2009-2010 school year]~~

10                  G. At least one of the units required for  
11 graduation shall be earned as an advanced placement or honors  
12 course, a dual-credit course offered in cooperation with an  
13 institution of higher education or a distance learning course.

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

21                  ~~[J.]~~ I. Successful completion of the requirements  
22 of the New Mexico diploma of excellence shall be required for  
23 graduation ~~[for students entering the ninth grade beginning in~~  
24 ~~the 2009-2010 school year]~~. Successful completion of a minimum  
25 of twenty-four units aligned to the state academic content and

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1 performance standards shall be required to earn a New Mexico  
2 diploma of excellence. These units shall be as follows:

3 (1) four units in English, with major emphasis  
4 on grammar, nonfiction writing and literature; provided that  
5 department-approved work-based training or career and technical  
6 education courses that meet state English academic content  
7 performance standards shall qualify as one of the four required  
8 English units;

9 (2) four units in mathematics, of which one  
10 shall be the equivalent to or higher than the level of algebra  
11 2, unless the parent has submitted written, signed permission  
12 for the student to complete a lesser mathematics unit; and  
13 provided that a [~~financial literacy~~] personal finance course or  
14 department-approved work-based training or career and technical  
15 education course that meets state mathematics academic content  
16 and performance standards shall qualify as one of the four  
17 required mathematics units;

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

24 (4) three and one-half units in social  
25 science, which shall include United States history and

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1 geography, world history and geography, government and  
2 economics and one-half unit of New Mexico history;

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

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

13 (7) seven and one-half elective units that  
14 meet department content and performance standards. Career and  
15 technical education courses and student service learning shall  
16 be offered as ~~[an elective. 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 and pre-apprenticeship programs may  
20 be offered as [an elective] electives. For students entering  
21 the ninth grade in the 2022-2023 school year, one-half unit  
22 shall be a personal finance course; the personal finance course  
23 may be used to satisfy one-half unit of an elective unit if the  
24 course is not being used to satisfy a mathematics unit.

25 ~~[K.]~~ J. For students entering the eighth grade ~~[in~~

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1 ~~the 2012-2013 school year]~~, a course in health education is  
2 required prior to graduation. Health education may be required  
3 in either middle school or high school, as determined by the  
4 school district. ~~[Each school district shall submit to the~~  
5 ~~department by the beginning of the 2011-2012 school year a~~  
6 ~~health education implementation plan for the 2012-2013 and~~  
7 ~~subsequent school years, including in which grade health~~  
8 ~~education will be required and how the course aligns with~~  
9 ~~department content and performance standards.]~~ Health education  
10 courses shall include:

11 (1) age-appropriate sexual abuse and assault  
12 awareness and prevention training that meets department  
13 standards developed in consultation with the federal centers  
14 for disease control and prevention that are based on evidence-  
15 based methods that have proven to be effective; and

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

23 (a) use of the following instructors for  
24 the training provided pursuant to this paragraph: 1) school  
25 nurses, health teachers and athletic department personnel as

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1 instructors; and 2) any qualified persons volunteering to  
2 provide training at no cost to the school district that the  
3 school district determines to be eligible to offer instruction  
4 pursuant to this paragraph; and

5 (b) approval of training and  
6 instructional materials related to the training established  
7 pursuant to this paragraph in both English and Spanish.

8 ~~[H.]~~ K. For students entering the ninth grade in  
9 the 2017-2018 school year and subsequent school years:

10 (1) one of the units in mathematics required  
11 by Paragraph (2) of Subsection ~~[J]~~ I of this section may  
12 comprise a computer science course if taken after the student  
13 demonstrates competence in mathematics and if the course is not  
14 used to satisfy any part of the requirement set forth in  
15 Paragraph (3) of that subsection; and

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

22 ~~[M.]~~ L. Final examinations shall be administered to  
23 all students in all classes offered for credit.

24 ~~[N. Until July 1, 2010, a student who has not~~  
25 ~~passed a state graduation examination in the subject areas of~~

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

19 ~~O. Beginning with the 2010-2011 school year]~~

20 M. A student shall not receive a New Mexico diploma  
21 of excellence if the student has not demonstrated competence in  
22 the subject areas of mathematics, reading and language arts,  
23 writing, social studies and science, including a section on the  
24 constitution of the United States and the constitution of New  
25 Mexico, based on a standards-based assessment or assessments or

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1 a portfolio of standards-based indicators established by the  
2 department by rule. The standards-based assessments required  
3 in Section 22-2C-4 NMSA 1978 may also serve as the assessment  
4 required for high school graduation. If a student exits from  
5 the school system at the end of grade twelve without having  
6 satisfied the requirements of this subsection, the student  
7 shall receive an appropriate state certificate indicating the  
8 number of credits earned and the grade completed. If within  
9 five years after a student exits from the school system the  
10 student satisfies the requirements of this subsection, the  
11 student may receive a New Mexico diploma of excellence. Any  
12 student satisfying the requirements of this subsection and  
13 completing all other requirements within five years of entering  
14 ninth grade, including a final summer session if completed by  
15 August 1, may be counted by the school system in which the  
16 student is enrolled as a high school graduate for the year in  
17 which all requirements are satisfied.

18 [P.] N. As used in this section:

19 (1) "career and technical education",  
20 sometimes referred to as "vocational education", means  
21 organized programs offering a sequence of courses, including  
22 technical education and applied technology education, that are  
23 directly related to the preparation of individuals for paid or  
24 unpaid employment in current or emerging occupations requiring  
25 an industry-recognized credential, certificate or degree;

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

5 (3) "career cluster" means a grouping of  
6 occupations in industry sectors based on recognized  
7 commonalities that provide an organizing tool for developing  
8 instruction within the educational system;

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

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

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

22 (7) "next-step plan" means an annual personal  
23 written plan of studies developed by a student in a public  
24 school or other state-supported school or institution in  
25 consultation with the student's parent and school counselor or

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1 other school official charged with coursework planning for the  
2 student that includes one or more of the following:

3 (a) advanced placement or honors  
4 courses;

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

7 (c) distance learning courses;

8 (d) career-technical courses; and

9 (e) pre-apprenticeship programs.

10 [Q+] 0. The secretary may establish a policy to  
11 provide for administrative interpretations to clarify  
12 curricular and testing provisions of the Public School Code."

13 **SECTION 3. APPROPRIATION.**--One hundred thousand dollars  
14 (\$100,000) is appropriated from the general fund to the public  
15 education department for expenditure in fiscal year 2023 to  
16 purchase personal finance instructional materials. Any  
17 unexpended or unencumbered balance remaining at the end of  
18 fiscal year 2023 shall revert to the general fund.

19 **SECTION 4. APPLICABILITY.**--The provisions of Section 2 of  
20 this act apply to students entering the ninth grade in the  
21 2022-2023 school year.