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SENATE BILL 231

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Leo Jaramillo

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING THE PUBLIC SCHOOL CODE TO REQUIRE HEALTH EDUCATION FOR GRADES SIX THROUGH TWELVE TO INCLUDE AGE-APPROPRIATE INSTRUCTION ADDRESSING YOUTH SUBSTANCE USE AND ABUSE AND THE DANGERS OF OPIOIDS, INCLUDING SYNTHETIC OPIOIDS SUCH AS FENTANYL; REQUIRING INSTRUCTION TO ADDRESS DRUG POISONING AWARENESS, METHODS OF ADMINISTERING AN OPIOID ANTAGONIST AND STUDENT ACCESS TO SUBSTANCE ABUSE AND PREVENTION RESOURCES.

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

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1 REQUIRED--ACCREDITATION.--

2 A. The department shall require public schools to
3 address department-approved academic content and performance
4 standards when instructing in specific department-required
5 subject areas as provided in this section. A public school or
6 school district failing to meet these minimum requirements
7 shall not be accredited by the department.

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

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

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

24 (1) reading and language arts skills, with an
25 emphasis on writing and editing for at least one year and an

.227482.1

1 emphasis on grammar and writing for at least one year;

2 (2) mathematics;

3 (3) language other than English;

4 (4) communication skills;

5 (5) science;

6 (6) art;

7 (7) music;

8 (8) social studies;

9 (9) New Mexico history;

10 (10) United States history;

11 (11) geography;

12 (12) physical education; and

13 (13) health education.

14 E. Beginning with the 2008-2009 school year, in
15 eighth grade, algebra 1 shall be offered in regular classroom
16 settings or through online courses or agreements with high
17 schools.

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

23 G. In ninth through twelfth grades, instruction
24 that meets academic content and performance standards shall be
25 provided in health education.

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1 H. All health education courses shall include:

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

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

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

21 (b) approval of training and
22 instructional materials related to the training established
23 pursuant to this paragraph in both English and Spanish; and

24 (3) beginning with the 2024-2025 school year,
25 in sixth through eighth grades, age-appropriate instruction

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1 regarding youth substance use and abuse and the dangers of
2 opioids, including addiction to and abuse of synthetic opioids
3 such as fentanyl. Any written materials shall be in both
4 English and Spanish. The department shall promulgate rules
5 regarding the use of qualified school personnel or other
6 entities qualified to provide the instruction required pursuant
7 to this paragraph. The instruction shall include:

8 (a) fentanyl abuse and addiction
9 prevention;

10 (b) drug poisoning awareness;

11 (c) methods of administering an opioid
12 antagonist;

13 (d) information regarding local school
14 and community substance abuse and prevention resources and how
15 students can access those resources; and

16 (e) suicide and drug overdose
17 prevention."

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

20 "22-13-1.1. GRADUATION REQUIREMENTS.--

21 A. At the end of grades eight through eleven, each
22 student shall prepare an interim next-step plan that sets forth
23 the coursework for the grades remaining until high school
24 graduation. Each year's plan shall explain any differences
25 from previous interim next-step plans, shall be filed with the

.227482.1

1 principal of the student's high school and shall be signed by
2 the student, the student's parent and the student's guidance
3 counselor or other school official charged with coursework
4 planning for the student.

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

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

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

22 (1) curricular and course options, including
23 honors or advanced placement courses, dual-credit courses,
24 distance learning courses, career clusters and career pathways,
25 pre-apprenticeship programs or remediation programs that the

1 college and workplace readiness assessments indicate to be
2 appropriate;

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

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

7 E. The secretary shall:

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

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

15 (3) monitor compliance with the requirements
16 of this section; and

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

21 F. Once a student has entered ninth grade, the
22 graduation requirements shall not be changed for that student
23 from the requirements specified in the law at the time the
24 student entered ninth grade.

25 G. Successful completion of a minimum of twenty-

1 three units aligned to the state academic content and
2 performance standards shall be required for graduation. These
3 units shall be as follows:

4 (1) four units in English, with major emphasis
5 on grammar and literature;

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

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

13 (4) three units in social science, which shall
14 include United States history and geography, world history and
15 geography and government and economics;

16 (5) one unit in physical education;

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

20 (7) one-half unit in New Mexico history for
21 students entering the ninth grade beginning in the 2005-2006
22 school year; and

23 (8) nine elective units and seven and one-half
24 elective units for students entering the ninth grade in the
25 2005-2006 school year that meet department content and

1 performance standards. Student service learning shall be
2 offered as an elective. Financial literacy shall be offered as
3 an elective. Pre-apprenticeship programs may be offered as
4 electives. Media literacy may be offered as an elective.

5 H. For students entering the ninth grade beginning
6 in the 2009-2010 school year, at least one of the units
7 required for graduation shall be earned as an advanced
8 placement or honors course, a dual-credit course offered in
9 cooperation with an institution of higher education or a
10 distance learning course.

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

18 J. Successful completion of the requirements of the
19 New Mexico diploma of excellence shall be required for
20 graduation for students entering the ninth grade beginning in
21 the 2009-2010 school year. Successful completion of a minimum
22 of twenty-four units aligned to the state academic content and
23 performance standards shall be required to earn a New Mexico
24 diploma of excellence. These units shall be as follows:

- 25 (1) four units in English, with major emphasis

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

6 (2) four units in mathematics, of which one
7 shall be the equivalent to or higher than the level of algebra
8 2, unless the parent submitted written, signed permission for
9 the student to complete a lesser mathematics unit; and provided
10 that a financial literacy course or department-approved work-
11 based training or career and technical education course that
12 meets state mathematics academic content and performance
13 standards shall qualify as one of the four required mathematics
14 units;

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

21 (4) three and one-half units in social
22 science, which shall include United States history and
23 geography, world history and geography, government and
24 economics and one-half unit of New Mexico history;

25 (5) one unit in physical education, as

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

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

10 (7) seven and one-half elective units that
11 meet department content and performance standards. Career and
12 technical education courses shall be offered as an elective.
13 Student service learning shall be offered as an elective.
14 Financial literacy shall be offered as an elective. Pre-
15 apprenticeship programs may be offered as electives. Media
16 literacy may be offered as an elective.

17 K. For students entering the eighth grade in the
18 2012-2013 school year a course in health education is required
19 prior to graduation. Health education may be required in
20 either middle school or high school, as determined by the
21 school district. Each school district shall submit to the
22 department by the beginning of the ~~[2011-2012]~~ 2024-2025 school
23 year a health education implementation plan for the ~~[2012-2013]~~
24 2024-2025 and subsequent school years, including in which grade
25 health education will be required and how the course aligns

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1 with department content and performance standards. Health
2 education courses shall include:

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

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

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

22 (b) approval of training and
23 instructional materials related to the training established
24 pursuant to this paragraph in both English and Spanish; and

25 (3) beginning with the 2024-2025 school year,

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1 age-appropriate instruction regarding youth substance use and
2 abuse and the dangers of opioids, including addiction to and
3 abuse of synthetic opioids such as fentanyl. Any written
4 materials shall be in both English and Spanish. The department
5 shall promulgate rules regarding the use of qualified school
6 personnel or other entities qualified to provide the
7 instruction required pursuant to this paragraph. The
8 instruction shall include:

9 (a) fentanyl abuse and addiction
10 prevention;

11 (b) drug poisoning awareness;

12 (c) methods of administering an opioid
13 antagonist;

14 (d) information regarding local school
15 and community substance abuse and prevention resources and how
16 students can access those resources; and

17 (e) suicide and drug overdose
18 prevention.

19 L. For students entering the ninth grade in the
20 2017-2018 school year and subsequent school years:

21 (1) one of the units in mathematics required
22 by Paragraph (2) of Subsection J of this section may comprise a
23 computer science course if taken after the student demonstrates
24 competence in mathematics and if the course is not used to
25 satisfy any part of the requirement set forth in Paragraph (3)

.227482.1

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1 of that subsection; and

2 (2) one of the units in science required by
3 Paragraph (3) of Subsection J of this section may comprise a
4 computer science course if taken after the student demonstrates
5 competence in science and if the course is not used to satisfy
6 any part of the requirement set forth in Paragraph (2) of that
7 subsection.

8 M. Final examinations shall be administered to all
9 students in all classes offered for credit.

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

.227482.1

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1 completed by August 1, may be counted by the school system in
2 which the student is enrolled as a high school graduate for the
3 year in which completion and examination occur.

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

.227482.1

1 system in which the student is enrolled as a high school
2 graduate for the year in which all requirements are satisfied.

3 P. As used in this section:

4 (1) "career and technical education",
5 sometimes referred to as "vocational education", means
6 organized programs offering a sequence of courses, including
7 technical education and applied technology education, that are
8 directly related to the preparation of individuals for paid or
9 unpaid employment in current or emerging occupations requiring
10 an industry-recognized credential, certificate or degree;

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

15 (3) "career cluster" means a grouping of
16 occupations in industry sectors based on recognized
17 commonalities that provide an organizing tool for developing
18 instruction within the educational system;

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

23 (5) "final next-step plan" means a next-step
24 plan that shows that the student has committed or intends to
25 commit in the near future to a four-year college or university,

.227482.1

1 a two-year college, a trade or vocational program, an
2 internship or apprenticeship, military service or a job;

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

7 (7) "next-step plan" means an annual personal
8 written plan of studies developed by a student in a public
9 school or other state-supported school or institution in
10 consultation with the student's parent and school counselor or
11 other school official charged with coursework planning for the
12 student that includes one or more of the following:

13 (a) advanced placement or honors
14 courses;

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

17 (c) distance learning courses;

18 (d) career-technical courses; and

19 (e) pre-apprenticeship programs.

20 Q. The secretary may establish a policy to provide
21 for administrative interpretations to clarify curricular and
22 testing provisions of the Public School Code."