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AN ACT  
RELATING TO PUBLIC EDUCATION; PROVIDING SCHOOL  
DISTRICT-DETERMINED WAYS FOR STUDENTS TO MEET THE PHYSICAL  
EDUCATION UNIT REQUIREMENT FOR GRADUATION; LIMITING CHANGES  
TO GRADUATION REQUIREMENTS AFTER STUDENTS ENTER NINTH GRADE;  
DECLARING AN EMERGENCY.

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 by Laws 2010,  
Chapter 25, Section 1 and by Laws 2010, Chapter 110,  
Section 1) is amended to read:

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

A. At the end of grades eight through eleven, each  
student shall prepare an interim next-step plan that sets  
forth the coursework for the grades remaining until high  
school graduation. Each year's plan shall explain any  
differences from previous interim next-step plans, shall be  
filed with the principal of the student's high school and  
shall be signed by the student, the student's parent and the  
student's guidance counselor or other school official charged  
with coursework planning for the student.

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

C. An individualized education program that meets

1 the requirements of Subsections A and B of this section and  
2 that meets all applicable transition and procedural  
3 requirements of the federal Individuals with Disabilities  
4 Education Act for a student with a disability shall satisfy  
5 the next-step plan requirements of this section for that  
6 student.

7 D. A local school board shall ensure that each  
8 high school student has the opportunity to develop a  
9 next-step plan based on reports of college and workplace  
10 readiness assessments, as available, and other factors and is  
11 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,  
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  
21 the student does not finish a planned curriculum.

22 E. The secretary shall:

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

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

(3) monitor compliance with the requirements

1 of this section; and

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

6 F. Once a student has entered ninth grade, the  
7 graduation requirements shall not be changed for that student  
8 from the requirements specified in the law at the time the  
9 student entered ninth grade.

10 G. Successful completion of a minimum of  
11 twenty-three units aligned to the state academic content and  
12 performance standards shall be required for graduation.  
13 These units shall be as follows:

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

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

18 (3) two units in science, one of which shall  
19 have a laboratory component; provided, however, that with  
20 students entering the ninth grade beginning in the 2005-2006  
21 school year, three units in science shall be required, one of  
22 which shall have a laboratory component;

23 (4) three units in social science, which  
24 shall include United States history and geography, world  
25 history and geography and government and economics;

(5) one unit in physical education;

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

(7) one-half unit in New Mexico history for

1 students entering the ninth grade beginning in the 2005-2006  
2 school year; and

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

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

16 I. The department shall establish a procedure for  
17 students to be awarded credit through completion of specified  
18 career technical education courses for certain graduation  
19 requirements.

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

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

(2) four units in mathematics, of which one

1 shall be the equivalent to or higher than the level of  
2 algebra 2, unless the parent submitted written, signed  
3 permission for the student to complete a lesser mathematics  
4 unit; and provided that a financial literacy course that  
5 meets state mathematics academic content and performance  
6 standards shall qualify as one of the four required  
7 mathematics units;

8 (3) three units in science, two of which  
9 shall have a laboratory component;

10 (4) three and one-half units in social  
11 science, which shall include United States history and  
12 geography, world history and geography, government and  
13 economics and one-half unit of New Mexico history;

14 (5) one unit in physical education, as  
15 determined by each school district, which may include a  
16 physical education program that meets state content and  
17 performance standards or participation in marching band,  
18 junior reserve officers' training corps or any other co-  
19 curricular physical activity;

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

23 (7) seven and one-half elective units that  
24 meet department content and performance standards. Student  
25 service learning shall be offered as an elective. Financial  
literacy shall be offered as an elective. Pre-apprenticeship  
programs may be offered as electives. Media literacy may be  
offered as an elective.

K. For students entering the eighth grade in the  
2012-2013 school year, a course in health education is

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

10 L. Final examinations shall be administered to all  
11 students in all classes offered for credit.

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

1 completion and examination occur.

2 N. Beginning with the 2010-2011 school year, a  
3 student shall not receive a New Mexico diploma of excellence  
4 if 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 requirement  
19 of this subsection, the student may receive a New Mexico  
20 diploma of excellence. Any student satisfying the  
21 requirements of this subsection and completing all other  
22 requirements within five years of entering ninth grade,  
23 including a final summer session if completed by August 1,  
24 may be counted by the school system in which the student is  
25 enrolled as a high school graduate for the year in which all  
requirements are satisfied.

O. As used in this section:

(1) "final next-step plan" means a next-step  
plan that shows that the student has committed or intends to  
commit in the near future to a four-year college or

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

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

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

15 (a) advanced placement or honors  
16 courses;

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

19 (c) distance learning courses;

20 (d) career-technical courses; and

21 (e) pre-apprenticeship programs.

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

25 SECTION 2. EMERGENCY.--It is necessary for the  
public peace, health and safety that this act take  
effect immediately.

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