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HOUSE BILL 233

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO EDUCATION; REQUIRING THAT MEDIA LITERACY BE OFFERED AS AN ELECTIVE FOR PUBLIC SCHOOL STUDENTS IN GRADES SIX THROUGH TWELVE; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2010.

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) 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 standards when instructing in specific department-required subject areas as provided in this section. A public school or school district failing to meet these minimum requirements

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1 shall not be accredited by the department.

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

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

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

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

21 (2) mathematics;

22 (3) language other than English;

23 (4) communication skills;

24 (5) science;

25 (6) art;

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

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

12 F. In fourth through eighth grades, school  
13 districts shall offer electives that contribute to academic  
14 growth and skill development and provide career and technical  
15 education. Beginning with the 2014-2015 school year, in sixth  
16 through eighth grades, media literacy ~~[may]~~ shall be offered as  
17 an elective.

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

21 **SECTION 2.** Section 22-13-1.1 NMSA 1978 (being Laws 1986,  
22 Chapter 33, Section 5, as amended by Laws 2010, Chapter 25,  
23 Section 1 and by Laws 2010, Chapter 110, Section 1) is amended  
24 to read:

25 "22-13-1.1. GRADUATION REQUIREMENTS.--

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

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

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

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

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1 informed about:

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

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

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

11 E. The secretary shall:

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

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

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

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

25 F. Successful completion of a minimum of twenty-

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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  
24 one-half elective units for students entering the ninth grade  
25 in the 2005-2006 school year that meet department content and

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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 G. 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 H. 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.

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

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

24 (2) four units in mathematics, of which one  
25 shall be the equivalent to or higher than the level of algebra

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

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

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

12 (5) one unit in physical education;

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

16 (7) seven and one-half elective units that  
17 meet department content and performance standards. Student  
18 service learning shall be offered as an elective. Financial  
19 literacy shall be offered as an elective. Pre-apprenticeship  
20 programs may be offered as electives. Beginning with the 2014-  
21 2015 school year, media literacy [~~may~~] shall be offered as an  
22 elective.

23 J. For students entering the eighth grade in the  
24 2012-2013 school year, a course in health education is required  
25 prior to graduation. Health education may be required in

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

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

10 L. 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

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

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

3 N. As used in this section:

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

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

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

19 (a) advanced placement or honors  
20 courses;

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

23 (c) distance learning courses;

24 (d) career-technical courses; and

25 (e) pre-apprenticeship programs.

