

1 SENATE BILL 93

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Linda M. Lopez

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10 AN ACT

11 RELATING TO PUBLIC EDUCATION; DEFINING "ETHNIC STUDIES";  
12 REQUIRING ETHNIC STUDIES CURRICULA THAT MEET PUBLIC EDUCATION  
13 DEPARTMENT CONTENTS AND PERFORMANCE; PROVIDING FOR AN ETHNIC  
14 STUDIES COUNCIL TO ASSIST THE DEPARTMENT WITH CURRICULUM  
15 DEVELOPMENT.

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

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

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

24 A. The department shall require public schools to  
25 address department-approved academic content and performance

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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) ethnic studies;
- 7 [~~(9)~~] (10) New Mexico history;
- 8 [~~(10)~~] (11) United States history;
- 9 [~~(11)~~] (12) geography;
- 10 [~~(12)~~] (13) physical education; and
- 11 [~~(13)~~] (14) health education.

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

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

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

24 H. All health education courses shall include:

- 25 (1) age-appropriate sexual abuse and assault

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

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

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

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

22 I. As used in this section, "ethnic studies" means  
23 the interdisciplinary study of multiple perspectives through  
24 the examination of social, ethnic, cultural, gender and  
25 historical experiences to build critical thinking skills."

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

3           "22-13-1.1. GRADUATION REQUIREMENTS.--

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

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

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

25           D. A local school board shall ensure that each high

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1 school student has the opportunity to develop a next-step plan  
2 based on reports of college and workplace readiness  
3 assessments, as available, and other factors and is reasonably  
4 informed about:

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

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

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

15 E. The secretary shall:

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

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

23 (3) monitor compliance with the requirements  
24 of this section; and

25 (4) compile such information as is necessary

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1 to evaluate the success of next-step plans and report annually,  
2 by December 15, to the legislative education study committee  
3 and the governor.

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

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

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

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

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

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

24 (5) one unit in physical education;

25 (6) one unit in communication skills or

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1 business education, with a major emphasis on writing and  
2 speaking and that may include a language other than English;

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

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

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

19 I. The department shall establish a procedure for  
20 students to be awarded credit through completion of specified  
21 career technical education courses for certain graduation  
22 requirements, and districts may choose to allow students who  
23 successfully complete an industry-recognized credential,  
24 certificate or degree to receive additional weight in the  
25 calculation of the student's grade point average.

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1           J. Successful completion of the requirements of the  
2 New Mexico diploma of excellence shall be required for  
3 graduation for students entering the ninth grade beginning in  
4 the 2009-2010 school year. Successful completion of a minimum  
5 of twenty-four units aligned to the state academic content and  
6 performance standards shall be required to earn a New Mexico  
7 diploma of excellence. These units shall be as follows:

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

14                   (2) four units in mathematics, of which one  
15 shall be the equivalent to or higher than the level of algebra  
16 2, unless the parent submitted written, signed permission for  
17 the student to complete a lesser mathematics unit; and provided  
18 that a financial literacy course or department-approved work-  
19 based training or career and technical education course that  
20 meets state mathematics academic content and performance  
21 standards shall qualify as one of the four required mathematics  
22 units;

23                   (3) three units in science, two of which shall  
24 have a laboratory component; provided that department-approved  
25 work-based training or career and technical education courses

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1 that meet state science academic content and performance  
2 standards shall qualify as one of the three required science  
3 units;

4 (4) three and one-half units in social  
5 science, which shall include United States history and  
6 geography, world history and geography, government and  
7 economics and one-half unit of New Mexico history; provided  
8 that for students entering the ninth grade in the 2022-2023  
9 school year, four units in social science, with one-half unit  
10 in ethnic studies;

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

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

21 (7) seven and one-half elective units that  
22 meet department content and performance standards; provided  
23 that for students entering the ninth grade beginning in the  
24 2022-2023 school year, there shall be seven elective units.

25 Career and technical education courses shall be offered as an

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

5 K. For students entering the eighth grade in the  
6 2012-2013 school year, a course in health education is required  
7 prior to graduation. Health education may be required in  
8 either middle school or high school, as determined by the  
9 school district. Each school district shall submit to the  
10 department by the beginning of the 2011-2012 school year a  
11 health education implementation plan for the 2012-2013 and  
12 subsequent school years, including in which grade health  
13 education will be required and how the course aligns with  
14 department content and performance standards. Health education  
15 courses shall include:

16 (1) age-appropriate sexual abuse and assault  
17 awareness and prevention training that meets department  
18 standards developed in consultation with the federal centers  
19 for disease control and prevention that are based on evidence-  
20 based methods that have proven to be effective; and

21 (2) lifesaving skills training that follows  
22 nationally recognized guidelines for hands-on psychomotor  
23 skills cardiopulmonary resuscitation training. Students shall  
24 be trained to recognize the signs of a heart attack, use an  
25 automated external defibrillator and perform the Heimlich

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1 maneuver for choking victims. The secretary shall promulgate  
2 rules to provide for the:

3 (a) use of the following instructors for  
4 the training provided pursuant to this paragraph: 1) school  
5 nurses, health teachers and athletic department personnel as  
6 instructors; and 2) any qualified persons volunteering to  
7 provide training at no cost to the school district that the  
8 school district determines to be eligible to offer instruction  
9 pursuant to this paragraph; and

10 (b) approval of training and  
11 instructional materials related to the training established  
12 pursuant to this paragraph in both English and Spanish.

13 L. For students entering the ninth grade in the  
14 2017-2018 school year and subsequent school years:

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

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

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1 subsection.

2 M. Final examinations shall be administered to all  
3 students in all classes offered for credit.

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

23 O. Beginning with the 2010-2011 school year, a  
24 student shall not receive a New Mexico diploma of excellence if  
25 the student has not demonstrated competence in the subject

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

22 P. As used in this section:

23 (1) "career and technical education",  
24 sometimes referred to as "vocational education", means  
25 organized programs offering a sequence of courses, including

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1 technical education and applied technology education, that are  
2 directly related to the preparation of individuals for paid or  
3 unpaid employment in current or emerging occupations requiring  
4 an industry-recognized credential, certificate or degree;

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

9 (3) "career cluster" means a grouping of  
10 occupations in industry sectors based on recognized  
11 commonalities that provide an organizing tool for developing  
12 instruction within the educational system;

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

17 (5) "ethnic studies" means the  
18 interdisciplinary study of multiple perspectives through the  
19 examination of social, ethnic, cultural, gender and historical  
20 experiences to build critical thinking skills;

21 [~~5~~] (6) "final next-step plan" means a next-  
22 step plan that shows that the student has committed or intends  
23 to commit in the near future to a four-year college or  
24 university, a two-year college, a trade or vocational program,  
25 an internship or apprenticeship, military service or a job;

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1                    [~~(6)~~] (7) "interim next-step plan" means an  
2 annual next-step plan in which the student specifies post-high-  
3 school goals and sets forth the coursework that will allow the  
4 student to achieve those goals; and

5                    [~~(7)~~] (8) "next-step plan" means an annual  
6 personal written plan of studies developed by a student in a  
7 public school or other state-supported school or institution in  
8 consultation with the student's parent and school counselor or  
9 other school official charged with coursework planning for the  
10 student that includes one or more of the following:

11                    (a) advanced placement or honors  
12 courses;

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

15                    (c) distance learning courses;

16                    (d) career-technical courses; and

17                    (e) pre-apprenticeship programs.

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

21                    SECTION 3. TEMPORARY PROVISION--ETHNIC STUDIES COUNCIL--  
22 CREATION.--

23                    A. The "ethnic studies council" is created. The  
24 legislative education study committee, the public education  
25 department and institutions of higher education shall convene a



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1 council to study and identify the next steps in developing  
2 ethnic studies curricula in public schools.

3 B. The secretary of public education shall appoint  
4 the members of the ethnic studies council, which may include  
5 representatives from each of the following:

6 (1) university and public school ethnic  
7 studies programs, including Africana, Native American and  
8 Chicana and Chicano studies;

9 (2) professional or community organizations  
10 that promote Native American, African American, Chicana,  
11 Chicano and Latino education and the education of distinct  
12 underrepresented cultural and ethnic groups;

13 (3) colleges of education and institutions of  
14 teacher preparation;

15 (4) the office on African American affairs;

16 (5) the Indian affairs department;

17 (6) the all pueblo council of governors;

18 (7) public schools;

19 (8) the department's Hispanic education  
20 liaison;

21 (9) the director of the Indian education  
22 division of the department or the director's designee;

23 (10) the director of the language and culture  
24 bureau of the department or the director's designee;

25 (11) teachers' unions; and

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1 (12) other organizations or persons whose work  
2 or interests can provide valuable insights into the benefits  
3 and costs of ethnic studies.

4 C. The chair of the ethnic studies council shall be  
5 elected by the council. The council shall meet at the call of  
6 the chair.

7 D. Public members of the ethnic studies council  
8 shall be reimbursed for per diem and mileage as provided in the  
9 Per Diem and Mileage Act and shall receive no other  
10 compensation, perquisite or allowance.

11 E. The secretary of public education shall provide  
12 staff support for the ethnic studies council in the performance  
13 of its duties.

14 F. A simple majority of the ethnic studies council  
15 members constitutes a quorum. A member of the council shall  
16 abstain from voting or the member's vote shall be disqualified  
17 on any matter in which the member has a pecuniary interest.

18 G. Appointed members shall serve until the  
19 expiration date of the ethnic studies council.

20 H. The ethnic studies council shall report its  
21 findings and recommendations to the legislative education study  
22 committee by July 1, 2022.

23 I. The ethnic studies council expires on August 1,  
24 2022."