

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 97

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING ALL LICENSED SCHOOL
EMPLOYEES TO BE TRAINED IN DETECTING AND REPORTING CHILD SEXUAL
ABUSE AND ASSAULT AND IN ASSISTING IN AWARENESS AND PREVENTION;
REQUIRING HEALTH EDUCATION INSTRUCTION TO INCLUDE AGE-
APPROPRIATE SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION
TRAINING.

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

SECTION 1. Section 22-10A-32 NMSA 1978 (being Laws 1988,
Chapter 48, Section 1, as amended) is amended to read:

"22-10A-32. LICENSED SCHOOL EMPLOYEES--REQUIRED TRAINING
PROGRAM.--

A. All licensed school employees shall be required
to complete training in the detection and reporting of child
abuse and neglect, including sexual abuse and assault, and

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1 substance abuse. Except as otherwise provided in this
2 subsection, this requirement shall be completed within the
3 licensed school employee's first year of employment by a school
4 district. Licensed school employees hired prior to the 2014-
5 2015 school year shall complete the sexual abuse and assault
6 component of the required training during the 2014-2015 school
7 year.

8 B. [~~Pursuant to the policy and rules adopted by the~~
9 ~~state board~~] The department shall develop a training program,
10 including training materials and necessary training staff, to
11 meet the requirement of Subsection A of this section to make
12 the training available in every school district. The
13 department shall coordinate the development of the program with
14 appropriate staff in school districts and local rape crisis
15 centers and at the human services department, [~~and~~] the
16 department of health and the children, youth and families
17 department. The department shall consult with the federal
18 centers for disease control and prevention when developing the
19 evidence-based training component on child sexual abuse and
20 assault to include methods and materials that have proven to be
21 effective.

22 C. The training program developed pursuant to this
23 section shall be made available by the department to the deans
24 of every college of education in New Mexico for use in
25 providing such training to students seeking elementary and

1 secondary education licensure."

2 SECTION 2. Section 22-13-1 NMSA 1978 (being Laws 2003,
3 Chapter 153, Section 57, as amended) is amended to read:

4 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
5 REQUIRED--ACCREDITATION.--

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

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

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

25 D. In fourth through eighth grades, instruction

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1 that meets academic content and performance standards shall be
2 provided in the following subject areas:

3 (1) reading and language arts skills, with an
4 emphasis on writing and editing for at least one year and an
5 emphasis on grammar and writing for at least one year;

6 (2) mathematics;

7 (3) language other than English;

8 (4) communication skills;

9 (5) science;

10 (6) art;

11 (7) music;

12 (8) social studies;

13 (9) New Mexico history;

14 (10) United States history;

15 (11) geography;

16 (12) physical education; and

17 (13) health education.

18 E. Beginning with the 2008-2009 school year, in
19 eighth grade, algebra 1 shall be offered in regular classroom
20 settings or through online courses or agreements with high
21 schools.

22 F. In fourth through eighth grades, school
23 districts shall offer electives that contribute to academic
24 growth and skill development and provide career and technical
25 education. In sixth through eighth grades, media literacy may

1 be offered as an elective.

2 G. In ninth through twelfth grades, instruction
3 that meets academic content and performance standards shall be
4 provided in health education.

5 H. All health education courses shall include age-
6 appropriate sexual abuse and assault awareness and prevention
7 training that meets department standards developed in
8 consultation with the federal centers for disease control and
9 prevention that are based on evidence-based methods that have
10 proven to be effective."

11 SECTION 3. Section 22-13-1.1 NMSA 1978 (being Laws 1986,
12 Chapter 33, Section 5, as amended by Laws 2010, Chapter 25,
13 Section 1 and by Laws 2010, Chapter 110, Section 1) is amended
14 to read:

15 "22-13-1.1. GRADUATION REQUIREMENTS.--

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

25 B. Each student must complete a final next-step

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1 plan during the senior year and prior to graduation. The plan
2 shall be filed with the principal of the student's high school
3 and shall be signed by the student, the student's parent and
4 the student's guidance counselor or other school official
5 charged with coursework planning for the student.

6 C. An individualized education program that meets
7 the requirements of Subsections A and B of this section and
8 that meets all applicable transition and procedural
9 requirements of the federal Individuals with Disabilities
10 Education Act for a student with a disability shall satisfy the
11 next-step plan requirements of this section for that student.

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

17 (1) curricular and course options, including
18 honors or advanced placement courses, dual-credit courses,
19 distance learning courses, career clusters, pre-apprenticeship
20 programs or remediation programs that the college and workplace
21 readiness assessments indicate to be appropriate;

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

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

1 E. The secretary shall:

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

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

9 (3) monitor compliance with the requirements
10 of this section; and

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

15 F. Successful completion of a minimum of twenty-
16 three units aligned to the state academic content and
17 performance standards shall be required for graduation. These
18 units shall be as follows:

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

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

23 (3) two units in science, one of which shall
24 have a laboratory component; provided, however, that with
25 students entering the ninth grade beginning in the 2005-2006

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1 school year, three units in science shall be required, one of
2 which shall have a laboratory component;

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

6 (5) one unit in physical education;

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

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

13 (8) nine elective units and seven and
14 one-half elective units for students entering the ninth grade
15 in the 2005-2006 school year that meet department content and
16 performance standards. 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 may be offered as an elective.

20 G. For students entering the ninth grade beginning
21 in the 2009-2010 school year, at least one of the units
22 required for graduation shall be earned as an advanced
23 placement or honors course, a dual-credit course offered in
24 cooperation with an institution of higher education or a
25 distance learning course.

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1 H. The department shall establish a procedure for
2 students to be awarded credit through completion of specified
3 career technical education courses for certain graduation
4 requirements.

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

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

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 that meets state mathematics
19 academic content and performance standards shall qualify as one
20 of the four required mathematics units;

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

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

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1 economics and one-half unit of New Mexico history;

2 (5) one unit in physical education;

3 (6) one unit in one of the following:

4 a career cluster course, workplace readiness or a language
5 other than English; and

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

12 J. For students entering the eighth grade in the
13 2012-2013 school year, a course in health education is required
14 prior to graduation. Health education may be required in
15 either middle school or high school, as determined by the
16 school district. Each school district shall submit to the
17 department by the beginning of the 2011-2012 school year a
18 health education implementation plan for the 2012-2013 and
19 subsequent school years, including in which grade health
20 education will be required and how the course aligns with
21 department content and performance standards. Health education
22 shall include age-appropriate sexual abuse and assault
23 awareness and prevention training that meets department
24 standards developed in consultation with the federal centers
25 for disease control and prevention that are based on evidence-

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1 based methods that have proven to be effective.

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

4 L. 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 M. 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 requirement 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 N. As used in this section:

23 (1) "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,

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

3 (2) "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 (3) "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 0. The secretary may establish a policy to provide
21 for administrative interpretations to clarify curricular and
22 testing provisions of the Public School Code."

23 **SECTION 4. APPLICABILITY.**--The provisions of this act
24 apply to the 2014-2015 school year and subsequent school years.