

POLICY SERVICES ADVISORY

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Policy Advisory Discussion

Policy Advisory No. 108. JLCB — Immunizations of Students. A recent change in the New Mexico Administrative Code from the department of health, public health division has caused a review and revision of policy JLCB and Exhibit JLCB-E. The requirements for approval of exemption from immunization was modified in NMAC 7.5.3.8 by the Department of Health regarding how the parent or guardian is to file for an exemption, to whom the affidavits in support of the exemption are to be sent, and how the Department of Health will give notice to the parents and school. The Department of Health has removed the requirement for the Superintendent to forward the request documents and has simplified the procedure. In the process of review, Policy Services has added the definition of "Satisfactory evidence of commencement and completion of immunization," and included the address to which immunization exemption requests are to be sent. There are some minor discrepancies between 7.5.3.8 NMAC by the Department of

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Health and 6.12.2.8 NMAC by the Public Education Department concerning when a student is considered enrolled which may require additional changes in the future.

Regulation JLCB-R was changed to reflect the revised NMAC 7.5.2.9 in which the Department of Health made changes to the immunization requirements for Haemophilus influenzae b (Hib), Hepatitis B, Varicella, Hepatitis A, and added Pneumococcal Disease. A statement allowing further vaccines to be considered was also included. The copies of NMAC 7.5.3.8 and 7.5.2.9 as revised can be found in the Relevant Support Materials.

Policy Advisory No. 109. JLF — Reporting Child Abuse / Child Protection. The 51st Legislature, second session of 2014 in House Bill 92 and 101 added sexual abuse and assault to the required training in detection and reporting child abuse and neglect. The bill mandates that all licensed school employees hired prior to the 2014-2015 school year complete the new training component during the 2014-2015 school year. The training on sexual abuse and assault is to be evidence based and include methods and materials that have proven to be effective. The Public Education Department is to coordinate the development of the program with school districts and other state agencies. The first addition to policy JLF reminds the district that employees hired during the 2014-15 school year and thereafter are to be given training in detection and reporting of child abuse and neglect, including sexual abuse and assault during the employees first year of employment by the district.

The legislature took note of an outdated reference in NMSA and added 30-6-4 NMSA on obstruction of reporting or investigation of child abuse or neglect. They made the act of obstruction a misdemeanor. Policy Services added the citation correction to policy JLF and omitted the model statement that referenced the Navajo Nation Code. The Navajo Nation Code Citation is not incorporated in most New Mexico district policies but may be updated by those that are within the Navajo Nation jurisdiction.

Policy Advisory No. 110. IHAMB — Family Life Education. House Bill 92 and 101 also contain new language requiring that all health education courses include age appropriate sexual abuse and assault awareness and prevention training that meets Public Education Department (department) standards. It goes on to state that the department standards are to be developed in consultation with the Federal Center for Disease Control and Prevention and are to be based on evidence-based methods that have proven to be effective. The Health Education standards are therefore to be revised and should be incorporated by schools in their Health

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Education curricula to include age appropriate sexual abuse and assault awareness and prevention training.

Exhibit IHAMB was modified to make clear that the exhibit is an exemption form to be completed by parents or guardians who wish their children to be removed from instruction containing Sexuality Performance Standards as permitted by department regulation regarding Public Education Department Health Education standards.

Policy Advisory No. 111. Policy IKF — Graduation Requirements. New Senate Bills 122 and 307 as enacted by the legislature provide an addition to the Graduation requirements in 22-13-1.1(F) NMSA which states that once a student has entered ninth grade, the graduation requirements shall not be changed for that student from the requirements specified in the law at the time the student entered ninth grade. A statement to that affect was added in policy IKF.

Last but not least, Senate Bills 122 and 307 provide a solution to the recent Physical Education graduation requirement disagreement between many school districts and the Public Education Department regarding the alternate demonstration of competency and counting participation in marching band, an athletic team or sport during the school day toward fulfillment of the physical education required unit for graduation. Senate Bill 122 signed first by the Governor amended 22-13-1.1(J)(5) NMSA regarding the one unit of required physical education. The revision permits the school district to determine alternatives to a physical education program that meets state content and performance standards. The alternatives are participation in (1) marching band, (2) junior reserve officers' training corps, or (3) interscholastic sports sanctioned by the New Mexico activities association. The statute uses the terminology may include physical education or each of the the aforementioned alternatives, thus allowing all to be included as options for a student to meet the physical education graduation unit requirement. The inclusion of these three alternatives should be clear in the policy to establish that the Board has acted to allow credit for graduation.

Policy Services also suggests that districts using the alternative requirements take a special action in adoption of Policy IKF. It is suggested that the district administration present a recommendation that the Board adopt Policy IKF and the alternate participation for the physical education credit, per the changes to 22-13-1.1(J)(5) NMAC in Senate Bill 122. Such action would then be permanently recorded in Board minutes in case there were any questions in the future about whether the Board had approved the alternatives. Senate Bill 307 signed into law

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after Senate Bill 122 differed from Senate bill 122 by using the term other cocurricular physical activity instead of New Mexico activities association sanctioned interscholastic sports. If there is any problem with this language difference, the New Mexico Compilation Commission is charged with publication of the final version. Policy Services is using the signing date as determining precedence for policy inclusion.

The suggested changes to policies should be considered requirements. The statutes and rules cited make these changes mandatory, however, policy belongs to the district and the district may choose to handle these matters as they wish.

ADDITIONAL COMMENTS ABOUT LEGISLATION

Several other pieces of legislature from the second session of the 51st Legislature may have some affect on how the schools will do business but most will not have an effect on policy.

Senate Bill 158 Dual Credit revisions was reviewed but did not require policy change though it does have some financial implications for funding of dual credit.

House Bill 280 implements the class load and teaching load requirements previously used before imposition of financial cuts during the past several years.

House Bill 330 adds a state seal to the diploma of excellence for bilingualism-biliteracy. The Public Education Department will prepare regulations that will establish the criteria for receipt of the award based on courses of study, evaluation or possibly a performance portfolio.

Senate Bill 44 simply corrected multiple terms in statute to be interpreted as the term "High School Equivalency Credential" which has no effect on school district policy.

Senate Bill 75 was reviewed and was found to permit districts to elect to maintain and dispense medications to treat respiratory distress and anaphylactic reactions. The bill provides that the district may elect to do so if it follows rules to be developed by the Health Department, has a school nurse available at each included campus to administer Albuteral and trains personnel who also must be available at all times on each campus to administer Epinephrine. Recognize that a district with a physician's order for a student's medication can already maintain such medications for that student. If a district decides to opt into maintaining the

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medications spoken of and employing or training the persons required, for the possibility of using the medications. policy services will prepare policies and procedures that will meet the statutory and regulatory (not yet available) requirements. The district should make a request for the policies at the earliest opportunity to Policy Services indicating Senate Bill 75. A copy of Senate Bill 75 is attached as supporting materials.

Materials of a legal nature in support of this advisory may be found following the text of the Policies below. If you have any questions, or requests call Policy Services at (505) 469-0193 or E-mail Dr. Donn Williams, Policy Services Director [nmsbapolicy@cox.net].

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J-5200 © **JLCB**
IMMUNIZATIONS OF STUDENTS

Subject to the exemptions as provided by law, no student shall be enrolled unless the student can present satisfactory evidence of commencement and completion of immunization in accordance with the immunization schedule and rules and regulations of the Public Health Division, except that a homeless student shall not be prevented from attendance until the fifth (5th) calendar day after enrollment.

“Satisfactory evidence of commencement and completion of immunization” means satisfactory evidence of a person having begun the process of immunizations in a statement, certificate or record signed by a duly licensed physician, certified nurse practitioner, or other recognized public or private health facility stating that the person has received at least the first in the series of required immunizations and is proceeding with the immunizations according to the prescribed schedule. Persons enrolling in schools who have begun the process of immunization shall have one month following the date of enrollment to complete the required immunizations and submit satisfactory evidence of completing the required immunizations or having continued the process of the required series.

Any minor child, through his parent or guardian, may file a request for exemption from required immunization with the director of the public health division. The original request for approval of any exemptions from immunization must be mailed to the Department of Health, Public Health Division, immunization program. The address is P.O. Box 26110, Suite S-1250, Santa Fe, NM, 87502. Request forms can be found at the immunization program offices 1190 St. Francis Drive, Suite South 1250 or on the program's website.

The student is exempt from immunization pursuant to Section 6.12.2.8 NMAC upon filing with the governing authority:

- a statement or certificate signed by a licensed physician or certified nurse practitioner stating that the physical condition of the person seeking enrollment is such that immunization would seriously endanger the life or health of the person;
- an exemption granted by the Public Health Division on the basis of:
 - notarized affidavits or written affirmation from an officer of a recognized religious denomination that such student's parents or guardians are bona fide members of a denomination whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or

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- notarized affidavits or written affirmation from the student's parent or legal guardian that the student's religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent.
 - ★ ~~An original copy of an affidavit or written affirmation for either of the above exemption requests shall be forwarded to the Director of Public Health Division by the Superintendent of Schools within seven (7) days of receipt.~~

Exemption from obtaining the required immunizations, when approved, is valid for a period not to exceed nine (9) months and will not extend beyond the end of the school year in which the student is currently enrolled.

Any student with serologic confirmation of the presence of specific antibodies against a vaccine-preventable disease shall not be subject to immunization against that disease as a condition for attending school.

The District will cooperate with Public Health Division in programs of immunization. Parents' permission must be secured before a student may participate in such immunization projects.

Adopted: date of manual adoption

LEGAL REF.: 6.12.2.8 NMAC
6.12.2.9 NMAC
6.12.2.10 NMAC
7.4.3.8 NMAC
7.4.3.13 NMAC

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REGULATION

REGULATION

IMMUNIZATIONS OF STUDENTS

Immunizations required as indicated below shall be administered in accordance with guidelines established by the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services (ACIP) and the American Academy of Pediatrics.

- Diphtheria.
- Pertussis.
- Tetanus.
- Poliomyelitis.
- Rubeola (measles).
- Mumps.
- Rubella (German measles).
- Haemophilus influenzae b (Hib) (~~only~~ for facilities regulated by CYFD as described in 8.16.2 NMAC or other pre-school or school-age populations as determined by the secretary of the department of health).
- Hepatitis B (~~for 7th grade entry~~) (~~effective 09-01-2000 for facilities regulated by New Mexico Children, Youth and Families Department (CYFD) as described in 8.16.2 NMAC~~), effective 09-01-2002 for school entry.
- Varicella (~~effective 09-1-2000 for facilities regulated by CYFD as described in 8.16.2 NMAC~~) (~~effective 09-01-2002 for school entry~~).
- Hepatitis A ~~in areas/counties targeted by the Office of Epidemiology of the Department. Targeted areas/counties will include any area/county whose three (3) year running average rate of hepatitis A is at or above twenty (20) cases per one hundred thousand (100,000) people per year or which has been determined by the Office of Epidemiology of the Department to have an elevated risk of hepatitis A (effective 09-01-2002 for school entry and for facilities regulated by CYFD as described in 8.16.2 NMAC). Targeted areas/counties will be reassessed and redefined annually by the Office of~~

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~~Epidemiology of the Department. For non-targeted areas/counties, routine vaccination of children two (2) years of age and older is recommended in conformance with the recommendations of the ACIP and the American Academy of Pediatrics. (for facilities regulated by CYFD as described in NMAC 8.16.2 or other pre-school populations as determined by the secretary of the department of health).~~

- Pneumococcal Disease.
- Other vaccines for preventable diseases as determined by the secretary of the department of health and within those recommended by the ACIP

A child shall be non-compliant with these regulations if the child is eligible to receive and has not received any of the remaining required immunization doses within the recommended intervals between doses published by the ACIP.

No child shall be enrolled in a school in New Mexico unless satisfactory evidence of immunization requirements has been provided.

The admitting official shall deem the student to be in compliance with the requirements of this regulation if:

- A statement, certificate or record signed by a duly licensed physician or other recognized licensed health facility stating that the required immunizations have been given to the person is provided; or
- An exemption from immunization is submitted in accordance with the procedures set forth in 6.12.2.9 NMAC.

Immunization records shall be kept current and available to the Public Health Division.

~~A completed Immunization Roster shall be filed annually with the Public Health Division. The Immunization Roster shall be filed on forms furnished by the Public Health Division. All schools and facilities under these regulations shall be required to participate in an annual immunization records audit at the request of the department.~~

All schools required to comply with these regulations shall notify the local Public Health Division District Health Officer if a child about to be enrolled or while enrolled has been held out of school for more than five (5) consecutive school days for noncompliance with these regulations.

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J-6250 © **JLF**

**REPORTING CHILD ABUSE /
CHILD PROTECTION**

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 substance abuse. This requirement shall be completed ~~within the~~ by all licensed school employee's during the 2014-2015 school year and all licensed employees hired thereafter during the first year of employment by a school district.

Every person, including a schoolteacher or a school official who has information that is not privileged as a matter of law, who *knows or has a reasonable suspicion* that a child is an abused or a neglected child shall report the matter immediately to:

- New Mexico Child Abuse Hotline (1-800-797-3260);
- a local law enforcement agency;
- the department office in the county where the child resides; or
- a tribal law enforcement or social services agency for any Indian child residing in Indian country.

The report shall contain the following information:

- The names and addresses of the minor, the parents, or the person or persons having custody of such minor, if known.
- The minor's age and the nature and extent of any injuries or physical neglect, including any evidence of previous injuries or physical neglect.
- Any other information that such person believes might be helpful in establishing the cause of the injury or physical neglect.

The school administrator should be informed, and the "Agency Referral Form and Procedure" should be used in order to have documentation and follow up.

A school administrator and/or their designee may permit a member of a law enforcement agency or an employee of the Human Services Department to interview

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the child with respect to a report without the permission of the child's parent, guardian or custodian.

A person who fails to report abuse as provided in ~~32A-4-3~~ 30-6-4 NMSA 1978 is guilty of a misdemeanor. ~~A person failing, neglecting or refusing to report a suspected case of child abuse, neglect or starving as provided in 9 N.N.C. 1123 is guilty of a misdemeanor and shall be punished by a fine of not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00).~~

Adopted: date of manual adoption

LEGAL REF.: 22-10A-32 NMSA (1978)
22-5-4.2 NMSA (1978)
32A-4-2 NMSA (1978)
32A-4-3 NMSA (1978)
30-6-4 NMSA (1978)

CROSS REF.: GBEB - Staff Conduct
GBEBB - Staff Conduct With Students
JKA - Corporal Punishment

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I-2050 © IHAMB
FAMILY LIFE EDUCATION
~~(Instruction on Sexuality~~
~~Performance Standards)~~

The District shall implement the State mandated health education performance standards including age-appropriate sexual abuse and assault awareness and prevention training in all health education classes. Parents may request that their child not participate in the parts of the curriculum that address the sexuality performance standards by completing a request for exemption on the forms provided by the school. Alternative lessons to the sexuality performance part of the health education curriculum shall be extensions of the health education curriculum at the grade level of the student whose parents request the exemption.

The Superintendent shall develop and implement regulations as needed that conform to New Mexico law.

Adopted: date of manual adoption

LEGAL REF.: 6.29.6.8 NMAC
6.29.6.11 NMAC

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I-2081 © IHAMB-E

EXHIBIT

EXHIBIT

**FAMILY LIFE EDUCATION
(Exemption Request Form for
Standards That Address Sexuality Performance Standards)**

Student's name _____
Last First M.I.

Current grade: _____ Birth date: _____ Home phone: _____

Work phone: _____ Cell phone: _____

Parent's name _____
Last First M.I.

Home address _____
Street

City Zip

I *do not* want the student listed above to participate in instruction for the sexuality performance standards of the health education curriculum. I understand that as an alternative to that instruction the student will receive instruction in an elective course offering approved as meeting grade level and graduation requirements selected by the school.

Date Parent/Guardian

Signature

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I-7350 © IKF

GRADUATION REQUIREMENTS

Regular Education

Ninth grade class of 2009-2010 and after. A minimum of twenty four (24) units of credit aligned to the state academic content and performance standards as listed below are required for graduation for those beginning with the ninth grade class of 2009-2010. A student may receive a high school diploma of excellence after having demonstrated accomplishment of the standards or a portfolio of standards based indicators in mathematics, reading and language arts, writing, social studies, and science adopted by the Secretary of Public Education. If a student exits from the school system at the end of grade twelve (12) without having satisfied the above requirements, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five (5) years after a student exits from the school system, the student satisfies the requirements listed, the student may receive a high school diploma of excellence. Graduation requirements shall not be changed for a student entering the ninth grade from the requirements specified in law at the time the student enrolled in the ninth grade.

Graduation requirements may be met as follows:

- By successful completion of subject area course requirements.
- By mastery of the standards or a portfolio of standards based indicators adopted by the Secretary of Public Education and other competency requirements for the subject as determined by the Board.
- By earning credits through correspondence courses that meet graduation requirements and/or by passing appropriate courses at the college or university level if the courses are determined to meet standards and criteria established by the Board.

Graduation requirements are:

For students entering as ninth graders in 2009-2010 at least one (1) unit of the following twenty four (24) units must be earned in an advanced placement or honors program, a dual-credit course or distance learning course.

English (grammar, nonfiction writing and literature emphasis)	4.0 units
Math (one [1] equal to algebra II or higher unless parents sign off and a financial literacy course may meet one of the required units)	4.0 units
Science (two [2] with a laboratory component)	3.0 units
United States History and Geography, World History and Geography, and Government and Economics and one-	

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half (1/2) unit of New Mexico History	3.5 units
Physical Education <u>or marching band or jr. ROTC</u> <u>or NMAA sanctioned interscholastic sports</u>	1.0 unit
Career cluster course, workplace readiness or language.....	1.0 unit
*Electives including student service learning	<u>7.5 units</u>
Total	24.0 units

*For students entering the eighth grade in the 2012-2013 school year, a course in health education is required prior to graduation.

A student shall develop and file an updated final next-step plan during the senior year and prior to graduation that conforms with the requirements for a student curriculum plan pursuant to 22-13-1.1 NMSA 1978. The 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 or guardian and the student's guidance counselor or other school official charged with coursework planning for the student. An individualized education program (IEP) filed with the principal that meets the applicable transition and procedural requirements of the federal Individuals with Disabilities in Education Act for qualified students shall satisfy the next-step requirements for that student.

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

Parents are to be notified in writing not later than the conclusion of the third (3rd) nine-weeks grading period of their students senior year if the student is at risk of not meeting all graduation requirements. Progress reports are to be provided to parents and students at each grading period.

A high school student required to transfer to an out-of-state school by the transfer of the student's parents, who are members of the New Mexico national guard or the armed forces of the United States, may request that a diploma be issued by the New Mexico high school of transfer. The student must meet the guidelines and comply with the requirements of the New Mexico Statutes Annotated regarding military dependent transfers and their courses and grades must meet or exceed New Mexico's requirements for graduation as determined by the School District.

Special Education

Listed above, under "Regular Education," are the requirements that must be completed before a student may receive a high school diploma or diploma of excellence. Completion of graduation requirements for special education students who do not meet the required units of credit shall be determined on a case-by-case basis in accordance with the special education course of study and the individualized education program of the student.

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Adopted: date of manual adoption

LEGAL REF.: 22-13-1.1 NMSA (1978)

22-13-1.4 NMSA (1978)

6.29.1.9 NMAC

CROSS REF.: IGD - Curriculum Adoption

IGE - Curriculum Guides and Course Outlines

IHA - Basic Instructional Program

IIE - Student Schedules and Course Loads

IKA - Grading/Assessment Systems

JFABC - Admission of Transfer Students

JG - Assignment of Students to Classes

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RELEVANT SUPPORT MATERIALS

7.5.3.8

REQUIREMENTS FOR APPROVAL OF EXEMPTIONS FROM IMMUNIZATION:

A.

Any minor child through his parent or guardian may file a request for exemption from required immunization with the director of the public health division by providing the following:

(1) certificate or affidavit from a duly licensed physician attesting that any of the required immunizations would seriously endanger the life or health of the child; or

(2) an affidavit or written affirmation from an officer of a recognized religious denomination stating that the parents or guardians are bona fide members of the recognized denomination, whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or

(3) an affidavit or written affirmation by a parent or guardian whose religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agents.

B.

The original request for approval of any exemptions from immunization must be mailed to the department of health, public health division, immunization program. The address is P.O. Box 26110, Suite S-1250, Santa Fe, NM, 87502. Request forms can be found at the immunization program offices 1190 St. Francis Drive, Suite South 1250 or on the program's website.

C.

Within 60 days of receipt of a request for exemption from immunization, the department of health immunization program manager shall review the request to determine whether the certificate has been duly completed. Incomplete requests shall be returned to the requester with information regarding what elements are missing.

D.

The department of health immunization program manager shall determine approval status of all requests for exemption:

(1) exemption requests shall be approved for a nine-month period indicated by the public health division director or designee;

(2) in the case of approval of a request for exemption, an approved, signed copy of the request shall be provided to the parents or guardian of the child and to the administrative authority of the school or director of the pre-school or childcare center at which the child has been conditionally enrolled;

(3) in the case of a denial, the department of health immunization program manager shall state the reasons for denial in a letter of notification to the parents or guardian of the child and to the administrative authority of the school at which the child has been conditionally enrolled. The notice to the parents or guardians shall also include information about the review process in 7.5.3.9 NMAC.

[7.5.3.8 NMAC - Rp, 7 NMAC 5.3.8, 11/27/13]

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7.5.2.9

REQUIRED IMMUNIZATIONS LIST:

A.
Diphtheria.

B.
Pertussis.

C.
Tetanus.

D.
Poliomyelitis.

E.
Measles.

F.
Mumps.

G.
Rubella.

H.
Haemophilus influenza type b (HiB) (for facilities regulated by CYFD as described in 8.16.2 NMAC or other pre-school or school-age populations as determined by the secretary of the department of health).

I.
Hepatitis B.

J.
Varicella.

K.
Hepatitis A (for facilities regulated by CYFD as described in NMAC 8.16.2 or other pre-school populations as determined by the secretary of the department of health).

L.
Pneumococcal Disease.

M.
Other vaccines for preventable diseases as determined by the secretary of the department of health and within those recommended by the ACIP.

[7.5.2.9 NMAC - Rp, 7.5.2.9 NMAC, 11/27/13]

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HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR

1 HOUSE BILLS 92 & 101

2 51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

3

10 AN ACT

11 RELATING TO PUBLIC SCHOOLS; REQUIRING ALL LICENSED
12 SCHOOL

12 EMPLOYEES TO BE TRAINED IN DETECTING AND REPORTING
13 CHILD SEXUAL

13 ABUSE AND ASSAULT AND IN ASSISTING IN AWARENESS AND
14 PREVENTION;

14 REQUIRING HEALTH EDUCATION INSTRUCTION TO INCLUDE
15 AGE-

15 APPROPRIATE SEXUAL ABUSE AND ASSAULT AWARENESS AND
16 PREVENTION

16 TRAINING.

17

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

19 SECTION 1. Section 22-10A-32 NMSA 1978 (being Laws 1988,

20 Chapter 48, Section 1, as amended) is amended to read:

21 "22-10A-32. LICENSED SCHOOL EMPLOYEES--REQUIRED
22 TRAINING

22 PROGRAM.--

23 A. All licensed school employees shall be required

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24 to complete training in the detection and reporting of child
25 abuse and neglect, including sexual abuse and assault, and
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 at the human services
15 department, [~~and~~] the department of health and the children,
16 youth and families department. The department shall consult
17 with the federal centers for disease control and prevention
18 when developing the evidence-based training component on child
19 sexual abuse and assault to include methods and materials that
20 have proven to be effective.

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

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

3 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL
4 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

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legal advice. You may wish to consult an attorney for further explanation.

Policy Services

18 skills.

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

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

- 2 (1) reading and language arts skills, with an
3 emphasis on writing and editing for at least one year and an
4 emphasis on grammar and writing for at least one year;
- 5 (2) mathematics;
- 6 (3) language other than English;
- 7 (4) communication skills;
- 8 (5) science;
- 9 (6) art;
- 10 (7) music;
- 11 (8) social studies;
- 12 (9) New Mexico history;

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- 13 (10) United States history;
- 14 (11) geography;
- 15 (12) physical education; and
- 16 (13) health education.

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

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

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

4 H. All health education courses shall include age-
5 appropriate sexual abuse and assault awareness and prevention
6 training that meets department standards developed in
7 consultation with the federal centers for disease control and

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8 prevention that are based on evidence-based methods that have
9 proven to be effective."

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

14 "22-13-1.1. GRADUATION REQUIREMENTS.--

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

24 B. Each student must complete a final next-step
25 plan during the senior year and prior to graduation. The plan
1 shall be filed with the principal of the student's high school

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

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

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

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

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

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- 19 on grammar and literature;
- 20 (2) three units in mathematics, at least one
- 21 of which is equivalent to the algebra 1 level or higher;
- 22 (3) two units in science, one of which shall
- 23 have a laboratory component; provided, however, that with
- 24 students entering the ninth grade beginning in the 2005-2006
- 25 school year, three units in science shall be required, one of
- 1 which shall have a laboratory component;
- 2 (4) three units in social science, which shall
- 3 include United States history and geography, world history and
- 4 geography and government and economics;
- 5 (5) one unit in physical education;
- 6 (6) one unit in communication skills or
- 7 business education, with a major emphasis on writing and
- 8 speaking and that may include a language other than English;
- 9 (7) one-half unit in New Mexico history for
- 10 students entering the ninth grade beginning in the 2005-2006
- 11 school year; and
- 12 (8) nine elective units and seven and
- 13 one-half elective units for students entering the ninth grade
- 14 in the 2005-2006 school year that meet department content and

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Policy Services

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15 performance standards. Student service learning shall be
16 offered as an elective. Financial literacy shall be offered as
17 an elective. Pre-apprenticeship programs may be offered as
18 electives. Media literacy may be offered as an elective.

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

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

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

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- 10** diploma of excellence. These units shall be as follows:
- 11** (1) four units in English, with major emphasis
12 on grammar, nonfiction writing and literature;
- 13** (2) four units in mathematics, of which one
14 shall be the equivalent to or higher than the level of algebra
15 2, unless the parent submitted written, signed permission for
16 the student to complete a lesser mathematics unit; and provided
17 that a financial literacy course that meets state mathematics
18 academic content and performance standards shall qualify as one
19 of the four required mathematics units;
- 20** (3) three units in science, two of which shall
21 have a laboratory component;
- 22** (4) three and one-half units in social
23 science, which shall include United States history and
24 geography, world history and geography, government and
25 economics and one-half unit of New Mexico history;
- 1** (5) one unit in physical education;
- 2** (6) one unit in one of the following:
- 3** a career cluster course, workplace readiness or a language

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

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

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25 based methods that have proven to be effective.

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

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

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21 year in which completion and examination occur.

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

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Policy Services

18 August 1, may be counted by the school system in which the
19 student is enrolled as a high school graduate for the year in
20 which all requirements are satisfied.

21 N. As used in this section:

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

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

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

12 (a) advanced placement or honors
13 courses;

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- 14 (b) dual-credit courses offered in
15 cooperation with an institution of higher education;
- 16 (c) distance learning courses;
- 17 (d) career-technical courses; and
- 18 (e) pre-apprenticeship programs.

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

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

24 - 13 -

25

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Policy Services

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1 AN ACT

2 CORRECTING AN OUTDATED REFERENCE IN THE NMSA 1978.

3
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW
MEXICO:

5 SECTION 1. Section 30-6-4 NMSA 1978 (being Laws 1989,
6 Chapter 287, Section 1) is amended to read:

7 "30-6-4. OBSTRUCTION OF REPORTING OR INVESTIGATION
OF

8 CHILD ABUSE OR NEGLECT.--Obstruction of reporting or
9 investigation of child abuse or neglect consists of:

10 A. knowingly inhibiting, preventing, obstructing
11 or intimidating another from reporting, pursuant to Section
12 32A-4-3 NMSA 1978, child abuse or neglect, including child
13 sexual abuse; or

14 B. knowingly obstructing, delaying, interfering
15 with or denying access to a law enforcement officer or child
16 protective services social worker in the investigation of a
17 report of child abuse or sexual abuse.

18 Whoever commits obstruction of reporting or
19 investigation of child abuse or neglect is guilty of a
20 misdemeanor." _____

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legal advice. You may wish to consult an attorney for further explanation.

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1 AN ACT

2 RELATING TO PUBLIC EDUCATION; PROVIDING SCHOOL

3 DISTRICT-DETERMINED WAYS FOR STUDENTS TO MEET THE
PHYSICAL

4 EDUCATION UNIT REQUIREMENT FOR GRADUATION; LIMITING
CHANGES

5 TO GRADUATION REQUIREMENTS AFTER STUDENTS ENTER
NINTH GRADE;

6 DECLARING AN EMERGENCY.

7

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

9 SECTION 1. Section 22-13-1.1 NMSA 1978 (being Laws

10 1986, Chapter 33, Section 5, as amended by Laws 2010,

11 Chapter 25, Section 1 and by Laws 2010, Chapter 110,

12 Section 1) is amended to read:

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

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

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

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

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

16 (1) curricular and course options, including
17 honors or advanced placement courses, dual-credit courses,
18 distance learning courses, career clusters,

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19 pre-apprenticeship programs or remediation programs that the

20 college and workplace readiness assessments indicate to be

21 appropriate;

22 (2) opportunities available that lead to

23 different post-high-school options; and

24 (3) alternative opportunities available if

25 the 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

5 opportunity 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

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Policy Services

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10 of this section; and

11 (4) compile such information as is necessary

12 to evaluate the success of next-step plans and report

13 annually, by December 15, to the legislative education study

14 committee and the governor.

15 F. Once a student has entered ninth grade, the

16 graduation requirements shall not be changed for that student

17 from the requirements specified in the law at the time the

18 student entered ninth grade.

19 G. Successful completion of a minimum of

20 twenty-three units aligned to the state academic content and

21 performance standards shall be required for graduation.

22 These units shall be as follows:

23 (1) four units in English, with major

24 emphasis on grammar and literature;

25 (2) three units in mathematics, at least one

1 of which is equivalent to the algebra 1 level or higher;

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- 2** (3) two units in science, one of which shall
- 3** have a laboratory component; provided, however, that with
- 4** students entering the ninth grade beginning in the 2005-2006
- 5** school year, three units in science shall be required, one of
- 6** which shall have a laboratory component;
- 7** (4) three units in social science, which
- 8** shall include United States history and geography, world
- 9** history and geography and government and economics;
- 10** (5) one unit in physical education;
- 11** (6) one unit in communication skills or
- 12** business education, with a major emphasis on writing and
- 13** speaking and that may include a language other than English;
- 14** (7) one-half unit in New Mexico history for
- 15** students entering the ninth grade beginning in the 2005-2006
- 16** school year; and

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- 17 (8) nine elective units and seven and
18 one-half elective units for students entering the ninth grade
19 in the 2005-2006 school year that meet department content and
20 performance standards. Student service learning shall be
21 offered as an elective. Financial literacy shall be offered
22 as an elective. Pre-apprenticeship programs may be offered
23 as electives. Media literacy may be offered as an elective.
- 24 H. For students entering the ninth grade beginning
25 in the 2009-2010 school year, at least one of the units
1 required for graduation shall be earned as an advanced
2 placement or honors course, a dual-credit course offered in
3 cooperation with an institution of higher education or a
4 distance learning course.
- 5 I. The department shall establish a procedure for
6 students to be awarded credit through completion of specified
7 career technical education courses for certain graduation

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8 requirements.

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

- 17 (1) four units in English, with major
18 emphasis on grammar, nonfiction writing and literature;
- 19 (2) four units in mathematics, of which one
20 shall be the equivalent to or higher than the level of
21 algebra 2, unless the parent submitted written, signed
22 permission for the student to complete a lesser mathematics
23 unit; and provided that a financial literacy course that

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- 24** meets state mathematics academic content and performance
- 25** standards shall qualify as one of the four required
- 1** mathematics units;
- 2** (3) three units in science, two of which
- 3** shall have a laboratory component;
- 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;
- 8** (5) one unit in physical education, as
- 9** determined by each school district, which may include
- 10** a physical education program that meets state content and
- 11** performance standards or participation in marching band,
- 12** junior reserve officers' training corps or interscholastic
- 13** sports sanctioned by the New Mexico activities association;

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

15 a career cluster course, workplace readiness or a language

16 other than English; and

17 (7) seven and one-half elective units that

18 meet department content and performance standards. Student

19 service learning shall be offered as an elective. Financial

20 literacy shall be offered as an elective. Pre-apprenticeship

21 programs may be offered as electives. Media literacy may be

22 offered as an elective.

23 K. For students entering the eighth grade in the

24 2012-2013 school year, a course in health education is

25 required prior to graduation. Health education may be

1 required in either middle school or high school, as

2 determined by the school district. Each school district

3 shall submit to the department by the beginning of the

4 2011-2012 school year a health education implementation plan

5 for the 2012-2013 and subsequent school years, including in

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Policy Services

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6 which grade health education will be required and how the
7 course aligns with department content and performance
8 standards.

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

11 M. Until July 1, 2010, a student who has not
12 passed a state graduation examination in the subject areas of
13 reading, English, mathematics, writing, science and social
14 science shall not receive a high school diploma. The state
15 graduation examination on social science shall include a
16 section on the constitution of the United States and the
17 constitution of New Mexico. If a student exits from the
18 school system at the end of grade twelve without having
19 passed a state graduation examination, the student shall
20 receive an appropriate state certificate indicating the

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21 number of credits earned and the grade completed. If within
22 five years after a student exits from the school system the
23 student takes and passes the state graduation examination,
24 the student may receive a high school diploma. Any student
25 passing the state graduation examination and completing all
1 other requirements within five years of entering ninth grade,
2 including a final summer session if completed by August 1,
3 may be counted by the school system in which the student is
4 enrolled as a high school graduate for the year in which
5 completion and examination occur.

6 N. Beginning with the 2010-2011 school year, a
7 student shall not receive a New Mexico diploma of excellence
8 if the student has not demonstrated competence in the subject
9 areas of mathematics, reading and language arts, writing,
10 social studies and science, including a section on the
11 constitution of the United States and the constitution of

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

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

4 enrolled as a high school graduate for the year in which all
5 requirements are satisfied.

6 O. As used in this section:

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

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

17 (3) "next-step plan" means an annual
18 personal written plan of studies developed by a student in a

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- 19 public school or other state-supported school or institution
- 20 in consultation with the student's parent and school
- 21 counselor or other school official charged with coursework
- 22 planning for the student that includes one or more of the
- 23 following:
- 24 (a) advanced placement or honors
 - 25 courses;
 - 1 (b) dual-credit courses offered in
 - 2 cooperation with an institution of higher education;
 - 3 (c) distance learning courses;
 - 4 (d) career-technical courses; and
 - 5 (e) pre-apprenticeship programs.

6 P. The secretary may establish a policy to provide

7 for administrative interpretations to clarify curricular and

8 testing provisions of the Public School Code."

9 SECTION 2. EMERGENCY.--It is necessary for the public

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10 peace, health and safety that this act take effect

11 immediately. _____

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Policy Services

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1 SENATE BILL 307
2 51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014
3 INTRODUCED BY
4 Joseph Cervantes

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10

AN ACT

11 RELATING TO PUBLIC EDUCATION; PROVIDING SCHOOL
DISTRICT-

12 DETERMINED WAYS FOR STUDENTS TO MEET THE PHYSICAL
EDUCATION

13 UNIT REQUIREMENT FOR GRADUATION; LIMITING CHANGES TO
GRADUATION

14 REQUIREMENTS AFTER STUDENTS ENTER NINTH GRADE.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW
MEXICO:

17 SECTION 1. Section 22-13-1.1 NMSA 1978 (being Laws 1986,
18 Chapter 33, Section 5, as amended by Laws 2010, Chapter 25,
19 Section 1 and by Laws 2010, Chapter 110, Section 1) is amended
20 to read:

21 "22-13-1.1. GRADUATION REQUIREMENTS.--

22 A. At the end of grades eight through eleven, each

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Policy Services

23 student shall prepare an interim next-step plan that sets forth
24 the coursework for the grades remaining until high school
25 graduation. Each year's plan shall explain any differences
1 from previous interim next-step plans, shall be filed with the
2 principal of the student's high school and shall be signed by
3 the student, the student's parent and the student's guidance
4 counselor or other school official charged with coursework
5 planning for the student.

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

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

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

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22 informed about:

23 (1) curricular and course options, including
24 honors or advanced placement courses, dual-credit courses,
25 distance learning courses, career clusters, pre-apprenticeship
1 programs or remediation programs that the college and workplace
2 readiness assessments indicate to be 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.

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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 [~~F.~~] G. ___ Successful completion of a minimum of
1 twenty-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;

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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
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.~~] H.____ For students entering the ninth grade
6 beginning in the 2009-2010 school year, at least one of the
7 units 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.~~] I.____ The department shall establish a procedure
12 for students to be awarded credit through completion of
13 specified career technical education courses for certain
14 graduation requirements.

15 [~~I.~~] J.____ Successful completion of the requirements
16 of the 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

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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
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; provided
13 that, with the approval of the local school board,
14 participation in a marching band, an athletic team or in an
15 athletic sport during the school day may count toward
16 fulfillment of the physical education required unit;

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

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Policy Services

18 a career cluster course, workplace readiness or a language
19 other than English; and
20 (7) seven and one-half elective units that
21 meet department content and performance standards. Student
22 service learning shall be offered as an elective. Financial
23 literacy shall be offered as an elective. Pre-apprenticeship
24 programs may be offered as electives. Media literacy may be
25 offered as an elective.

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

11 [~~K.~~] L. Final examinations shall be administered to
12 all students in all classes offered for credit.

13 [~~L.~~] M. Until July 1, 2010, a student who has not
14 passed a state graduation examination in the subject areas of
15 reading, English, mathematics, writing, science and social
16 science shall not receive a high school diploma. The state

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Policy Services

17 graduation examination on social science shall include a
18 section on the constitution of the United States and the
19 constitution of New Mexico. If a student exits from the school
20 system at the end of grade twelve without having passed a state
21 graduation examination, the student shall receive an
22 appropriate state certificate indicating the number of credits
23 earned and the grade completed. If within five years after a
24 student exits from the school system the student takes and
25 passes the state graduation examination, the student may
1 receive a high school diploma. Any student passing the state
2 graduation examination and completing all other requirements
3 within five years of entering ninth grade, including a final
4 summer session if completed by August 1, may be counted by the
5 school system in which the student is enrolled as a high school
6 graduate for the year in which completion and examination
7 occur.

8 [M.] N. Beginning with the 2010-2011 school year, a
9 student shall not receive a New Mexico diploma of excellence if
10 the student has not demonstrated competence in the subject
11 areas of mathematics, reading and language arts, writing,
12 social studies and science, including a section on the
13 constitution of the United States and the constitution of New
14 Mexico, based on a standards-based assessment or assessments or
15 a portfolio of standards-based indicators established by the

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16 department by rule. The standards-based assessments required
17 in Section 22-2C-4 NMSA 1978 may also serve as the assessment
18 required for high school graduation. If a student exits from
19 the school system at the end of grade twelve without having
20 satisfied the requirements of this subsection, the student
21 shall 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 satisfies the requirement of this subsection, the
25 student may receive a New Mexico diploma of excellence. Any
1 student satisfying the requirements of this subsection and
2 completing all other requirements within five years of entering
3 ninth grade, including a final summer session if completed by
4 August 1, may be counted by the school system in which the
5 student is enrolled as a high school graduate for the year in
6 which all requirements are satisfied.

7 ~~[N.]~~ O. ___ As used in this section:

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

13 (2) "interim next-step plan" means an annual
14 next-step plan in which the student specifies post-high-school

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15 goals and sets forth the coursework that will allow the student
16 to achieve those goals; and
17 (3) "next-step plan" means an annual personal
18 written plan of studies developed by a student in a public
19 school or other state-supported school or institution in
20 consultation with the student's parent and school counselor or
21 other school official charged with coursework planning for the
22 student that includes one or more of the following:
23 (a) advanced placement or honors
24 courses;
25 (b) dual-credit courses offered in
1 cooperation with an institution of higher education;
2 (c) distance learning courses;
3 (d) career-technical courses; and
4 (e) pre-apprenticeship programs.

5 [Ø:] P._____The secretary may establish a policy to
6 provide for administrative interpretations to clarify
7 curricular and testing provisions of the Public School Code."

8 - 10 -

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1 AN ACT

2 RELATING TO PUBLIC HEALTH; REQUIRING THE DEPARTMENT OF HEALTH

3 TO PROMULGATE RULES REGARDING THE USE OF ALBUTEROL TO TREAT

4 RESPIRATORY DISTRESS AND THE USE OF EPINEPHRINE TO TREAT

5 ANAPHYLACTIC REACTIONS IN SCHOOLS; PROVIDING FOR THE STOCK

6 SUPPLY OF ALBUTEROL AND EPINEPHRINE IN SCHOOLS; PROVIDING FOR

7 SCHOOL POLICIES AND RELATED LAWS TO COMPORT WITH FEDERAL

8 GRANT REQUIREMENTS REGARDING EMERGENCY MEDICATION IN SCHOOLS.

9

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

11 SECTION 1. A new section of the Public School Code is

12 enacted to read:

13 "SHORT TITLE.--Sections 1 through 4 of this act may be

14 cited as the "Emergency Medication in Schools Act".

15 SECTION 2. A new section of the Public School Code is

16 enacted to read:

17 "DEFINITIONS.--As used in the Emergency Medication in

18 Schools Act:

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- 19 A. "albuterol" includes albuterol or another
20 inhaled bronchodilator, as recommended by the department of
21 health, for the treatment of respiratory distress;
- 22 B. "albuterol aerosol canister" means a portable
23 drug delivery device packaged with multiple premeasured doses
24 of albuterol;
- 25 C. "anaphylaxis" or "anaphylactic reaction" means
1 a sudden, severe and potentially life-threatening whole-body
2 allergic reaction;
- 3 D. "emergency medication" means albuterol or
4 epinephrine;
- 5 E. "epinephrine" includes epinephrine or another
6 medication, as recommended by the department of health, used
7 to treat anaphylaxis until the immediate arrival of emergency
8 medical system responders;
- 9 F. "epinephrine auto-injector" means a portable,
10 disposable drug delivery device that contains a premeasured
11 single dose of epinephrine;
- 12 G. "governing body" includes a governing body of a
13 private school;
- 14 H. "health care practitioner" means a person
15 authorized by the state to prescribe emergency medication;

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16 I. "respiratory distress" includes impaired

17 oxygenation of the blood or impaired ventilation of the

18 respiratory system;

19 J. "school" means a public school, charter school

20 or private school;

21 K. "spacer" means a holding chamber that is used

22 to optimize the delivery of albuterol to a person's lungs;

23 L. "stock supply" means an appropriate quantity of

24 emergency medication, as recommended by the department of

25 health; and

1 M. "trained personnel" means a school employee,

2 agent or volunteer who has completed epinephrine

3 administration training documented by the school nurse,

4 school principal or school leader and approved by the

5 department of health and who has been designated by the

6 school principal or school leader to administer epinephrine

7 on a voluntary basis outside of the scope of employment."

8 SECTION 3. A new section of the Public School Code is

9 enacted to read:

10 "EMERGENCY
MEDICATION--ALBUTEROL--EPINEPHRINE--STOCK

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Policy Services

11 SUPPLY--STORAGE.--

12 A. Each local school board or governing body may
13 obtain a standing order for and may provide to schools within
14 its jurisdiction a stock supply of albuterol aerosol
15 canisters and spacers prescribed in the name of the school or
16 school district by a health care practitioner employed or
17 authorized by the department of health. Each school that
18 receives a stock supply of albuterol aerosol canisters and
19 spacers pursuant to this subsection shall store them:

20 (1) in a secure location that is unlocked
21 and readily accessible to a school nurse to administer
22 albuterol;

23 (2) pursuant to board of pharmacy
24 regulations; and

25 (3) within the manufacturer-recommended
1 temperature range.

2 B. Each local school board or governing body
3 may obtain a standing order for and may provide to schools

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4 within its jurisdiction a stock supply of standard-dose and
5 pediatric-dose epinephrine auto-injectors prescribed in the
6 name of each school by a health care practitioner employed or
7 authorized by the department of health. Each school that
8 receives a stock supply of standard-dose and pediatric-dose
9 epinephrine auto-injectors pursuant to this subsection shall
10 store them:

11 (1) in a secure location that is unlocked
12 and readily accessible to trained personnel;

13 (2) pursuant to board of pharmacy
14 regulations; and

15 (3) within the manufacturer-recommended
16 temperature range.

17 C. Each local school board or governing body shall
18 dispose of expired emergency medication pursuant to board of
19 pharmacy regulations or department of health rules.

20 D. A local school board or governing body or a
21 school within its jurisdiction may accept gifts, grants,
22 bequests and donations from any source to carry out the

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23 provisions of the Emergency Medication in Schools Act,
24 including the acceptance of albuterol aerosol canisters and
25 spacers and epinephrine auto-injectors from a manufacturer or
1 wholesaler."

2 SECTION 4. A new section of the Public School Code is
3 enacted to read:

4 "LOCAL SCHOOL BOARD OR GOVERNING BODY--EMERGENCY
5 MEDICATION--PROTOCOLS AND POLICIES--TRAINING--

6 A. Each local school board or governing body that
7 provides to schools within its jurisdiction a stock supply of
8 albuterol aerosol canisters and spacers shall develop
9 policies, based on department of health rules and
10 recommendations, for a school nurse to administer albuterol
11 to a student who is perceived to be in respiratory distress,
12 regardless of whether the student has been identified or
13 documented as having asthma, has a prescription for albuterol
14 or has supplied the school with albuterol. Such policies
15 shall include procedures to:

16 (1) recognize the symptoms of respiratory
17 distress;

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18 (2) administer albuterol using a spacer;

21 medical system;

22 (3) call 911 to initiate an emergency

(4) continue to monitor the student's

23 condition and deliver any additional treatment indicated

24 until an emergency medical system responder arrives;

25 (5) notify the parent, guardian or legal

1 custodian of the student having respiratory distress; and

2 (6) take any other necessary actions based

3 on training completed pursuant to the Emergency Medication in
4 Schools Act.

5 B. Each local school board or governing body that

6 provides to schools within its jurisdiction a stock supply of

7 standard-dose and pediatric-dose epinephrine auto-injectors

8 shall develop policies based on the protocols in this section

9 and department of health rules and recommendations, publish

10 the policies on its web site and receive documentation that

11 trained personnel have received training to:

12 (1) administer epinephrine to a student who

13 is reasonably believed to be having an anaphylactic reaction,

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14 regardless of whether the student has been identified or
15 documented as having a severe allergy, has a prescription for
16 epinephrine or has supplied the school with epinephrine
17 auto-injectors; and

18 (2) follow an anaphylaxis action protocol

19 to:

20 (a) recognize symptoms of anaphylaxis;

21 (b) administer an epinephrine

22 auto-injector to a student reasonably believed to be having

23 an anaphylactic reaction;

24 (c) call 911 to initiate an emergency

25 medical system;

1 (d) continue to monitor the student's

2 condition and deliver any additional treatment indicated

3 until an emergency medical system responder arrives;

4 (e) notify the parent, guardian or

5 legal custodian of the student having an anaphylactic

6 reaction; and

7

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(f) take any other necessary actions

8 based on training completed pursuant to the Emergency
9 Medication in Schools Act.

10 C. Each school that receives a stock supply of
11 standard-dose and pediatric-dose epinephrine auto-injectors

12 shall:

13 (1) develop and implement a plan to have one
14 or more trained personnel on the school premises during
15 operating hours; and

16 (2) follow an anaphylactic reaction
17 prevention protocol, as recommended by the department of
18 health, to minimize an allergic student's exposure to food
19 allergies."

20 SECTION 5. A new section of the Public Health Act is
21 enacted to read:

22 "EMERGENCY MEDICATION IN SCHOOLS--ALBUTEROL--
23 EPINEPHRINE--RULES--RECOMMENDATIONS.--

24 A. By July 1, 2014, the department shall

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25 promulgate rules and make recommendations to each school
1 district and governing body of a school for the prevention
2 and treatment of respiratory distress and the administration
3 of albuterol, or such other medication as the department
4 deems appropriate, by a school nurse.

5 B. By July 1, 2014, the department shall
6 promulgate rules and make recommendations to each school
7 district and governing body of a school for the prevention
8 and treatment of anaphylaxis occurring in schools and for the
9 use of epinephrine, or such other medication as the
10 department deems appropriate, by a person who has received
11 training approved by the department and is authorized to
12 administer epinephrine pursuant to the Emergency Medication
13 in Schools Act. The rules shall address:

14 (1) the provision or administration of
15 epinephrine, or such other medication as the department deems
16 appropriate, to a person reasonably believed to be having an
17 anaphylactic reaction;

18 (2) the requirement that one or more trained
19 persons be available on school premises during operating

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20 hours to treat a person reasonably believed to be having an
21 anaphylactic reaction;

22 (3) the maintenance of a stock supply of
23 standard-dose and pediatric-dose epinephrine auto-injectors,
24 or such other medication as the department deems appropriate,
25 pursuant to a standing order prescribed in the name of the
1 school or school district by a health care practitioner
2 employed or authorized by the department;

3 (4) the storage of a stock supply of
4 standard-dose and pediatric-dose epinephrine auto-injectors,
5 or such other medication as the department deems appropriate,
6 in a secure location that is unlocked and readily accessible
7 to trained persons and stored pursuant to board of pharmacy
8 regulations; and

9 (5) the disposal of expired emergency
10 medication pursuant to board of pharmacy regulations or
11 department rules.

12 C. A health care practitioner employed or
13 authorized by the department may prescribe a stock supply of
14 albuterol aerosol canisters and spacers or a stock supply of

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15 standard-dose and pediatric-dose epinephrine auto-injectors

16 in the name of a school or school district for use in

17 accordance with the Emergency Medication in Schools Act.

18 D. A pharmacist may dispense a stock supply of

19 albuterol aerosol canisters and spacers or a stock supply of

20 standard-dose and pediatric-dose epinephrine auto-injectors

21 pursuant to a standing order prescribed in accordance with

22 this section.

23 E. A school or school district may maintain a

24 stock supply of albuterol aerosol canisters and spacers or a

25 stock supply of standard-dose and pediatric-dose epinephrine

1 auto-injectors for use in accordance with this section.

2 F. The department may obtain and receive grants,

3 appropriations, gifts and donations from any source, including

4 the acceptance of epinephrine and albuterol, or such other

5 medication as the department deems appropriate, and albuterol

6 spacers from a manufacturer or wholesaler of such medication

7 in accordance with this section." _____

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POLICY SERVICES ADVISORY

Volume 11, Number 2

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CONTENTS

Policy Advisory No. 112 ----- GBGD-R — Workers’ Compensation

Policy Advisory Discussion

Policy Advisory No. 112. GBGD-R — Workers’ Compensation. Policy Services was recently made aware that the New Mexico Public Schools Insurance Agency (NMPSIA), an organization created by statute to provide comprehensive core insurance programs for public schools, has issued a new rule covering Workers’ Compensation. The new rule, 6.50.14.1-14, can be found at <https://nmpsia.com/PDFs/NMPSIA%20Rules%202014-07.pdf>.

The rule requires districts to establish a Workers’ Compensation claim policy substantially in the form set forth in the regulation and as the example found at <https://nmpsia.com/risk.html>. It requires districts to select from two options available for the selection of health care providers, for use of sick leave and for payment of insurance premiums while an employee is disabled from work.

Policy Services finds the form and content of the example to be a good procedural guideline for the business offices of the district to follow in case an employee is disabled from work and would suggest that it might only be used for that purpose and kept as a procedural guideline in the business offices.

The choice of health care providers could be problematic for many districts which lack trauma units in their communities. This could create costs associated with such choices that would be unrealistic given variation in the type and severity of any injury suffered and transportation needed for service.

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Most districts, by policy, currently allow sick leave to be used to supplement the Workers' Compensation payment so that the employee suffers no loss of income during the disability period unless they have no leave time available. This also permits the withholding of insurance premiums during that period if leave is available.

NMPSIA's insistence that districts adopt specific policies may be beyond their authority as provided in New Mexico Statute 22-29-7, cited as the basis for their demand. Since NMPSIA is founded by statute, as are school districts, it has only that authority granted it by statute. 22-29-7 NMSA states that NMPSIA by rule may establish a policy for volunteers and use of public school facilities by private persons that school districts must follow. The statute does not mention Workers' Compensation and by the fact that it expressly mentions only volunteers and use of school facilities in making regulations, it excludes all other similar subjects.

In other words, in statute an express listing of those things allowed by rule excludes all others. With this in mind, the rule promulgated by NMPSIA may not be valid. As a matter of policy consideration and not with any intention of giving legal advice, Policy Services would recommend that districts carefully consider if they would like to select a particular health care provider to handle disabling injuries, and review their current policy position on use of sick leave for a disabling injury.

For clarification of information on what decisions are required and what options are available under Workers' Compensation, Policy Services recommends you read the NM Statutes, Chapter 52-1-1 et al and also study the handbooks from the **New Mexico Workers' Compensation Administration** found

at <http://www.workerscomp.state.nm.us/downloads/bookletintro.php>. The information found there will provide a better understanding of rights and responsibilities under the New Mexico Workers Compensation Act.

Policy Services does not recommend adoption of the NMPSIA Workers' Compensation policy, but suggests that the form be considered as guidance for the business office in dealing with the workers' compensation insurers.

Should a district decide to adopt the suggested NMPSIA policy, which provides limiting options not required by the New Mexico Workers' Compensation Administration, Policy Services will accept the completed NMPSIA example with underlined additions and will place it in the District's policy manual upon Board adoption. Policy Services reserves the right to title, code and format any such policy as per each district's agreement.

Comments about use of the NMSBA Policy Web site

Please note that the web provider is being requested to remove the All Available Manuals button on the NMSBA Policy Portal in favor of districts using the drop down menu requiring users to Select the District by Name.

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For some time those using the search process have been getting other district policies upon doing a search-. The reason for getting another districts policy upon using the search button was that the district being searched had not been selected and highlighted before the search began. To eliminate this problem the portal option of selecting the district has been opened to all users, not just Board and Administrators. All searches will be within the selected district manual. An additional advantage to using the Selection of the District by Name option on the portal is that all of the legal citations will be hyperlinked to New Mexico Statutes so that any questions about the legal information in the policy can be reviewed by selecting the legal citation at the bottom of the policy page.

We encourage all districts to provide this information to their Internet Technicians so that they may redirect district computers to the new manual source. It is important to let all faculty and staff users within your district know of the change so that they may adjust their web browsers accordingly. The removal of the All Available Manual button of the web site will take place about the beginning of September. Thank you

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