

# **POLICY SERVICES**

## **ADVISORY**

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### **Policy Advisory Discussion**

**Policy Advisory 124 - IKF – Graduation Requirements.** Senate Bill 1 and House Bill 104 which passed in the regular session of the New Mexico Legislature of 2016 jointly made modifications to the Statute 22-13-1 NMSA 1978, at part H and K titled SUBJECT AREAS - MINIMUM INSTRUCTIONAL AREAS REQUIRED - ACCREDITATION. The changes require the Public Education Department (PED) to add life-saving skills training to the health education courses. It does not require additional units for graduation.

Statute 22-13-1 NMSA 1978, part K, which requires a course in health education prior to graduation for all students entering the eighth grade in 2012-2013, goes on to say that the requirement may be met in either middle school or high school "AS DETERMINED BY THE SCHOOL DISTRICT." It further provides what health education courses shall include, with Senate Bill 1 and House Bill 104 adding that PED shall include life-saving skills training to health education courses. This same part K required school districts to submit a health education implementation plan for 2012-2013 and subsequent years, including in which grade health education will be required and how the course aligns with PED content and performance standards.

As 22-13-1 NMSA 1978 continues to define minimum instruction areas required in public schools, it states in part G that instruction that meets academic content and performance standards shall be provided in health education for ninth through twelfth graders. Part H of 22-13-1 NMSA 1978, which was revised, goes on to state what health education courses shall include, adding that PED shall include life-saving skills training to all health education courses.

The statutory revisions to 22-13-1 NMSA 1978 made in Senate Bill 1 and House Bill 104 direct PED to revise 6.29.6 NMAC which contains content and performance standards for health education courses to include life-saving skills training. By the same statutory section, the legislature has authorized the district's to determine at what level, either middle school or high school, a mandatory health education course will be taken. This determination on the part of the district will bring into consideration several statutory and regulatory laws. The only clearly required specifications for the course in health education are in the content and performance standards found in 6.29.6 NMAC, which will soon to be revised by PED.

The current statutory requirement of 24 units of credit to receive a New Mexico Diploma of Excellence is specific in law as is the requirement that "a course in health education is required prior to graduation." Health education is not among the twenty-four (24) specifically enumerated units required for a diploma, but instruction is required to be provided and a course taken before graduation. District's should take official action on this matter so that there is no question as to the level at which the course will be offered or when it is to be taken.

Policy Services is suggesting each district establish that a health education course meeting content and performance standards of PED be required of all students who entered the eighth grade on and after 2012-2013. This course offering meeting the requirement of 22-13-1 NMSA 1978 will be required by middle school or high school, and will require documentation that the student has satisfactorily completed the health education course in each student's cumulative record file. This information should then be incorporated into the health education implementation plan which was originally submitted for the 2012-2013 school year to PED. This modification should be presented to the Board for approval and sent to PED in the form of a revision to that implementation plan.

Among the things to remember in this undertaking is that the selection of where the health education course will be provided may make a difference in how and what form in which it is provided. There is no constraint on when the health education course is to be taken. The district can choose to provide the course in middle school or high school, so long as the content and performance standards are met. The course can be combined with another, offered on alternative days of the week or offered at two different levels for the same purpose. The requirement is for a health education course that meets content and performance standards of PED not for a unit of credit. This is given emphasis by the

fact that the new requirements are directed by the legislature to be added to all health education programs, not just in a program that is offered in high school.

Regardless of the direction you take concerning where the health education course required for graduation is offered, you will *not* need to change your current policy on graduation requirements. The current recommended policy covers the issue of the health course by stating the requirement without committing to middle or high school as the location of the offering. The issue of where a course is offered is taken up in your policy IHA-Basic Instructional Program. As a note of caution, health education is no different than any other course offering in the district. The content of the course offering is usually a part of the student handbook or in a curriculum guide. It is not an issue to be determined by policy, but by curriculum adoption. It should not be in the policy manual.

Keep in mind that the district will have transfer students who did not attend the middle school. Therefore it may be necessary to have a health education course for those students to complete their diploma and health requirements. The new requirement appears to have some hands-on components. It may be difficult to outsource the course or offer it in distance learning mode, particularly since the statute requires that instruction be offered in health education in the middle school and in high school.

**Policy Advisory 125 - JJIB – Interscholastic Sports.** Senate Bill 137, passed in the 2016 legislative session, enacted changes to 22-13-31 NMSA 1978. Section 1-B changed the time that a student athlete is to be prohibited from practice, because of a concussion. That student may now return to athletic activities after two hundred forty hours following the hour in which the concussion occurred, and then only under certain conditions. This replaces the previous requirement of only one week. To implement the changes required, Policy Services has changed the non participation period after a suspected brain injury from 1 week to two hundred forty hours from the hour of the injury in policy JJIB- Interscholastic Sports, in the third (3rd) paragraph of the side heading Health and Safety of Participants.

**Policy Advisory 126 - KF - Community Use of School Facilities.** Senate Bill 137 passed in the 2016 legislative session also enacted changes to 22-13-31 NMSA 1978 at Section F. Section F was added directing the superintendent of schools to require persons offering nonscholastic youth athletic activities and requesting the use of school property for this purpose to sign a certification that the nonscholastic youth athletic activity will follow the brain injury protocols established in a new Section 2 of 22-13-31 NMSA 1978.

Nonscholastic youth athletic activity is defined as an organized athletic activity in which the participants, a majority of whom are under nineteen years of age, are engaged in an athletic game or competition against another team, club or entity, or in practice or preparation for an organized athletic game or competition against another team, club or entity. This definition does not include schools or activities incidental to a nonathletic

school program. Section 2 is a duplication of the requirements for schools in the first section of 22-13-31 NMSA 1978, made applicable to nonscholastic youth athletic activities on school property.

In KF a paragraph was added directing the superintendent to require certification of compliance with 22-13-31 NMSA 1978 upon granting a request for use of school facilities by a nonscholastic youth athletic activity. Also added is the exhibit KF-EC, which is a form on which the certification of compliance with 22-13-31 NMSA 1978, can be made by any nonscholastic youth athletic activity that uses the school facilities. It may be advantageous to provide a copy of Section 2 of 22-13-31 NMSA 1978 containing the requirements of the statute to those providing the certification.

**Conclusion.** Policy Advisory 124 and policy IKF require that the district make certain decisions and notify the PED per part H and K of 22-13-1 NMSA 1978, following the changes to respond to 6.29.6 NMAC. This does *not* require a change to policy IKF. Policy IKF, as recommended in Policy Advisory 119 in October of 2015, is still the recommended policy.

Policy Advisory 125 requires the adoption of policy JJIB with the relevant change made to the time a student athlete is prohibited from practice because of a concussion, per part B of Section 1 of 22-13-31 NMSA 1978. This policy change should be presented for adoption by the Board. Exhibit JJIB-E remains unchanged as provided in Policy Advisory 75 in June of 2010.

Policy Advisory 126 requires the adoption of changes to policy KF and the addition of an exhibit KF-EC which implements Section F of 22-13-31 NMSA 1978. Policy KF should be presented to the Board for adoption and KF-EC should be presented for review and placed by the Superintendent in the Policy Manual following such review. Regulations KF-R and Exhibits KF-EA and KF-EB remain unchanged as provided in Policy Advisory 79 in January of 2011.

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

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



# Advisory 125

**INTERSCHOLASTIC SPORTS****( School Athletic Activities )****General**

School athletic activity means a sanctioned middle school, junior or senior high school function that the New Mexico activities association regulates.

The purpose of school athletic activities is both educational and recreational. The school sports program should encourage participation by as many students as possible and should always be conducted with the best interests of the participants as the first consideration. Districts shall provide comparable athletic opportunity in school athletic activities for both sexes. The district has the option of prohibiting participation by both sexes on the same team, where comparable or separate athletic opportunity exists for both sexes.

District participation in school athletic activities shall be subject to approval by the Board. This shall include approval of membership in any leagues, associations, or conferences, and of any new agreements with other schools for a series of games or events.

The following rules shall be observed for participation by individual students:

- For each type of sport in which the student engages, the parents or guardian must give written consent.
- The student must be determined by a physician to be physically fit for the sport.
- Before participation in school athletic activities, a brain injury information form shall be provided to a student athlete and the student athlete's parent or guardian. The school district shall receive signatures on the brain injury information form from the student athlete and the student athlete's parent or guardian before allowing participation in school athletics.
- The student must obtain or have catastrophic health or accident insurance.

The Superintendent shall set up other rules for participation, such as those governing academic standing, in accordance with policies of the District and pertinent regulations and recommendations of the state interscholastic athletic association.

**Charter School Student Participation**

Charter school students in grades seven (7) through twelve (12) may participate in School District extracurricular activities sanctioned by the New Mexico Activities Association in

the School District attendance zone in which the student lives (participating in only one [1] public school program) if they meet eligibility requirements other than enrollment and if the charter school does not offer such activities sanctioned by the New Mexico Activities Association.

### **Home School Student Participation**

Home school students may participate in three (3) School District athletic activity sanctioned by the New Mexico Activities Association in the School District attendance zone in which the student lives if they meet the eligibility requirements other than enrollment in the school.

### **Health and Safety of Participants**

The health and safety of participants in interscholastic athletic activities must receive careful consideration. Participants must be provided access to water at all times during practice sessions, games, or other interscholastic athletic activities.

A coach shall not allow a student athlete to participate in a school athletic activity on the same day a coach, a school official or a student athlete reports, observes or suspects that a student athlete exhibits signs, symptoms or behaviors consistent with a brain injury or has been diagnosed with a brain injury.

A coach may allow a student athlete who has been prohibited from participating in a school athletic activity to participate in a school athletic activity no sooner than ~~one (1) week after the student athlete has received~~ two hundred forty (240) hours from the hour in which the student athlete received a brain injury and only after the student athlete:

- no longer exhibits any sign, symptom or behavior consistent with a brain injury; and
- receives a medical release from a licensed health care professional.

Each school athletic activities coach is required to have training on brain injury recognition and follow-up provided by the New Mexico activities association.

The Superintendent shall require that regulations for health and safety of participants in school athletic activities be developed, implemented, and enforced. Such regulations may, at the discretion of the Superintendent, be incorporated into this policy as an administrative regulation.

*Adopted:* date of manual adoption

LEGAL REF.: 22-2-2 NMSA (1978)  
22-8-18 NMSA (1978)  
22-8C-8 NMSA (1978)

22-8-23.8 NMSA (1978)  
22-13-31 NMSA (1978)  
22-31-1 NMSA et seq. (1978)  
6.13.4.8 NMAC

CROSS REF.: JJJ - Extracurricular Activity Eligibility  
JLCA - Physical Examination of Students



# Advisory 126

## COMMUNITY USE OF SCHOOL FACILITIES

### Leasing (renting)

The mission of the District is to provide comprehensive, success-oriented learning activities for young people in our schools.

These opportunities must be designed to develop the person's potential in the areas of academic ability and vocational awareness, cultural appreciation, physical well-being, social development, and community contribution.

School facilities and property may be leased to a group or organization for any lawful purpose in the interest of the community. The purposes include but are not limited to success-oriented activities, designed to develop a student's potential but may include other purposes such as:

- recreational,
- educational,
- political,
- economic,
- artistic,
- moral,
- scientific,
- social,
- religious,
- other civic,
- or governmental.

A reasonable use fee shall be charged for the lease of school facilities and property for all of those that meet the above criterion and this fee may be offset by goods contributed or services rendered by the lessee. "Reasonable use fee" means an amount that is at least equal to the cost for utilities, services, supplies or personnel provided to the lessee pursuant to the terms of the lease.

### Uncompensated use

The Superintendent may permit the uncompensated use of facilities and property by any school related group, including student political organizations, or by any organization whose membership is open to the public and whose activities promote the educational function of the District. "Education function" means uses that are directly related to the educational mission of the District as adopted by the Board and includes the educational mission related uses of parent - teacher organizations, youth organizations and school

employee organizations. Use of facilities or property by organizations indicated above that will require a substantial District cost for utilities, services, supplies and/or personnel may be permitted only if goods contributed, services rendered or payments are made to reimburse these costs to the District.

The Superintendent shall require the person requesting the use of school property for a nonscholastic youth activity to sign a certification that the nonscholastic youth athletic activity will follow the brain injury protocols established pursuant to Section 2 of 22-13-31 NMSA 1978 in practice or preparation for an organized athletic game or competition against another team, club or entity before approval of use of the school property.

The mission statement found at the beginning of this policy and the group's or organization's promotion of the educational function through the activity, as interpreted by the Superintendent in good faith, will be the basis upon which uncompensated use of District facilities and property shall be approved or denied.

### **Generally**

The Superintendent shall recommend a fee schedule to the Board for the lease of school property and such schedule shall include a procedure for determining the value of goods and services being provided as compensation for the use of school property. The schedule shall include a designation of those groups whose activities promote the educational function of the School District as determined in good faith by the Superintendent and presented for Board review.

Property not associated with the use of facilities is covered in section E of the policy manual (see cross referenced policies below). The District will use its best efforts to avoid conflicts with approved use of the facilities and property but no lease or use provision shall be effective if the administrator of the facility finds that it would cause delay, cancellation, or rescheduling of a school-sponsored activity.

The Superintendent shall establish such rules and regulations as are needed to implement this policy as well as to assure the preservation of District property.

*Adopted:* date of manual adoption

LEGAL REF.: 22-5-4 (D) NMSA (1978)  
22-13-31 (F) NMSA (1978)  
6.50.17 NMAC

CROSS REF.: A - Board Member Qualifications  
AC - Non - Discrimination / Equal Opportunity  
EDC - Authorized Use of School - Owned Materials  
and Equipment

**EXHIBIT**

**EXHIBIT**

**COMMUNITY USE OF  
SCHOOL FACILITIES**

**Nonscholastic Sport Users Certification**

As a condition of permitting nonscholastic youth athletic activity in practice or preparation for an organized athletic game or competition against another team, club or entity to take place on school district property, the superintendent requires the person offering the nonscholastic youth athletic activity to sign this certification that the nonscholastic youth athletic activity will follow the brain injury protocols established pursuant to Section 2 of 22-13-31 NMSA 1978 regarding brain injury protocols, coaches training and information to be provided to parents or guardians and signatures to be received from them.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature \_\_\_\_\_ Date

I hereby certify that I am authorized by user to make this certification and to make all representations on behalf of:

\_\_\_\_\_

## **RELEVANT SUPPORT MATERIALS**

House Bill 104 was not included since it is mirrored in Senate Bill 1 found below regarding the inclusion of lifesaving skills training to Health Education Courses.

1 AN ACT

2 RELATING TO HEALTH EDUCATION; AMENDING SECTIONS OF THE PUBLIC  
3 SCHOOL CODE TO REQUIRE THE PUBLIC EDUCATION DEPARTMENT TO ADD  
4 LIFESAVING SKILLS TRAINING TO HEALTH EDUCATION COURSES.

5  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

9 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS  
10 REQUIRED--ACCREDITATION.--

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

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

25 C. All first, second and third grade classes shall SEC/SB 1  
Page 1

1 provide instruction in art, music and a language other than  
2 English, and instruction that meets content and performance  
3 standards shall be provided in science, social studies,  
4 physical education and health education.

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

8 (1) reading and language arts skills, with  
9 an emphasis on writing and editing for at least one year and  
10 an emphasis on grammar and writing for at least one year;

11 (2) mathematics;

12 (3) language other than English;

13 (4) communication skills;

14 (5) science;

15 (6) art;

16 (7) music;

17 (8) social studies;

18 (9) New Mexico history;

19 (10) United States history;

20 (11) geography;

21 (12) physical education; and

22 (13) health education.

23 E. Beginning with the 2008-2009 school year, in  
24 eighth grade, algebra 1 shall be offered in regular classroom  
25 settings or through online courses or agreements with high

1 schools.

2 F. In fourth through eighth grades, school  
3 districts shall offer electives that contribute to academic  
4 growth and skill development and provide career and technical  
5 education. In sixth through eighth grades, media literacy  
6 may be offered as an elective.

7 G. In ninth through twelfth grades, instruction  
8 that meets academic content and performance standards shall  
9 be provided in health education.

10 H. All health education courses shall include:

11 (1) age-appropriate sexual abuse and assault  
12 awareness and prevention training that meets department  
13 standards developed in consultation with the federal centers  
14 for disease control and prevention that are based on  
15 evidence-based methods that have proven to be effective; and

16 (2) lifesaving skills training that follows  
17 nationally recognized guidelines for hands-on psychomotor  
18 skills cardiopulmonary resuscitation training. Students  
19 shall be trained to recognize the signs of a heart attack,  
20 use an automated external defibrillator and perform the  
21 Heimlich maneuver for choking victims. The secretary shall  
22 promulgate rules to provide for the:

23 (a) use of the following instructors  
24 for the training provided pursuant to this paragraph:

25 1) school nurses, health teachers and athletic department



1 personnel as instructors; and 2) any qualified persons  
2 volunteering to provide training at no cost to the school  
3 district that the school district determines to be eligible  
4 to offer instruction pursuant to this paragraph; and

5 (b) approval of training and  
6 instructional materials related to the training established  
7 pursuant to this paragraph in both English and Spanish."

8 SECTION 2. Section 22-13-1.1 NMSA 1978 (being Laws  
9 1986, Chapter 33, Section 5, as amended) is amended to read:

10 "22-13-1.1. GRADUATION REQUIREMENTS.--

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

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

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

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

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

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

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

23 E. The secretary shall:

24 (1) establish specific accountability  
25 standards for administrators, counselors, teachers and school

1 district staff to ensure that every student has the  
2 opportunity to develop a next-step plan;

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

6 (3) monitor compliance with the requirements  
7 of this section; and

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

12 F. Once a student has entered ninth grade, the  
13 graduation requirements shall not be changed for that student  
14 from the requirements specified in the law at the time the  
15 student entered ninth grade.

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

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

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

24 (3) two units in science, one of which shall  
25 have a laboratory component; provided, however, that with

1 students entering the ninth grade beginning in the 2005-2006  
2 school year, three units in science shall be required, one of  
3 which shall have a laboratory component;

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

7 (5) one unit in physical education;

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

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

14 (8) nine elective units and seven and  
15 one-half elective units for students entering the ninth grade  
16 in the 2005-2006 school year that meet department content and  
17 performance standards. Student service learning shall be  
18 offered as an elective. Financial literacy shall be offered  
19 as an elective. Pre-apprenticeship programs may be offered  
20 as electives. Media literacy may be offered as an elective.

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

1 distance learning course.

2 I. The department shall establish a procedure for  
3 students to be awarded credit through completion of specified  
4 career technical education courses for certain graduation  
5 requirements, and districts may choose to allow students who  
6 successfully complete an industry-recognized credential,  
7 certificate or degree to receive additional weight in the  
8 calculation of the student's grade point average.

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  
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 a  
10 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 or  
14 any other co-curricular physical activity;

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

18 (7) seven and one-half elective units that  
19 meet department content and performance standards. Career  
20 and technical education courses shall be offered as an  
21 elective. Student service learning shall be offered as an  
22 elective. Financial literacy shall be offered as an  
23 elective. Pre-apprenticeship programs may be offered as  
24 electives. Media literacy may be offered as an elective.

25 K. For students entering the eighth grade in the

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

11 (1) age-appropriate sexual abuse and assault  
12 awareness and prevention training that meets department  
13 standards developed in consultation with the federal centers  
14 for disease control and prevention that are based on  
15 evidence-based methods that have proven to be effective; and

16 (2) lifesaving skills training that follows  
17 nationally recognized guidelines for hands-on psychomotor  
18 skills cardiopulmonary resuscitation training. Students  
19 shall be trained to recognize the signs of a heart attack,  
20 use an automated external defibrillator and perform the  
21 Heimlich maneuver for choking victims. The secretary shall  
22 promulgate rules to provide for the:

23 (a) use of the following instructors  
24 for the training provided pursuant to this paragraph:

25 1) school nurses, health teachers and athletic department

1 personnel as instructors; and 2) any qualified persons  
2 volunteering to provide training at no cost to the school  
3 district that the school district determines to be eligible  
4 to offer instruction pursuant to this paragraph; and

5 (b) approval of training and  
6 instructional materials related to the training established  
7 pursuant to this paragraph in both English and Spanish.

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

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



1 including a final summer session if completed by August 1,  
2 may be counted by the school system in which the student is  
3 enrolled as a high school graduate for the year in which  
4 completion and examination occur.

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

1 including a final summer session if completed by August 1,  
2 may be counted by the school system in which the student is  
3 enrolled as a high school graduate for the year in which all  
4 requirements are satisfied.

5 O. As used in this section:

6 (1) "career and technical education",  
7 sometimes referred to as "vocational education", means  
8 organized programs offering a sequence of courses, including  
9 technical education and applied technology education, that  
10 are directly related to the preparation of individuals for  
11 paid or unpaid employment in current or emerging occupations  
12 requiring an industry-recognized credential, certificate or  
13 degree;

14 (2) "career and technical education course"  
15 means a course with content that provides technical  
16 knowledge, skills and competency-based applied learning and  
17 that aligns with educational standards and expectations as  
18 defined in rule;

19 (3) "career cluster" means a grouping of  
20 occupations in industry sectors based on recognized  
21 commonalities that provide an organizing tool for developing  
22 instruction within the educational system;

23 (4) "career pathways" means a sub-grouping  
24 used as an organizing tool for curriculum design and  
25 instruction of occupations and career specialities that share

1 a set of common knowledge and skills for career success;

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

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

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

19 (a) advanced placement or honors  
20 courses;

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

23 (c) distance learning courses;

24 (d) career-technical courses; and

25 (e) pre-apprenticeship programs.

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

4 SECTION 3. TEMPORARY PROVISION--PSYCHOMOTOR  
5 CARDIOPULMONARY SKILLS TRAINING--RULEMAKING.--By December 31,  
6 2016, the secretary of public education shall adopt and  
7 promulgate rules to implement the provisions of Sections 1  
8 and 2 of this act.

9 SECTION 4. APPLICABILITY.--Lifesaving skills training  
10 pursuant to Paragraph (2) of Subsection H of Section 22-13-1  
11 NMSA 1978 and Paragraph (2) of Subsection K of  
12 Section 22-13-1.1 NMSA 1978 shall not be required for students  
13 in grades nine through twelve who are enrolled in a virtual  
14 charter school. \_\_\_\_\_

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AN ACT

RELATING TO HEALTH; AMENDING A SECTION OF THE PUBLIC SCHOOL CODE TO EXTEND THE TIME OUT OF COMMISSION FOR STUDENT ATHLETES WHO HAVE SUFFERED A POSSIBLE BRAIN INJURY AND ESTABLISH CERTIFICATION FOR NONSCHOLASTIC YOUTH ATHLETIC ACTIVITY; ENACTING A NEW SECTION OF LAW TO ESTABLISH PROTOCOLS FOR ADDRESSING THE RISK OF BRAIN INJURY IN NON-SCHOOL YOUTH ATHLETIC ACTIVITIES.

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

SECTION 1. Section 22-13-31 NMSA 1978 (being Laws 2010, Chapter 96, Section 1) is amended to read:

"22-13-31. BRAIN INJURY--PROTOCOLS TO BE USED BY COACHES FOR BRAIN INJURIES RECEIVED BY STUDENTS IN SCHOOL ATHLETIC ACTIVITIES--TRAINING OF COACHES--INFORMATION TO BE PROVIDED TO COACHES, STUDENT ATHLETES AND STUDENT ATHLETES' PARENTS OR GUARDIANS--NONSCHOLASTIC YOUTH ATHLETIC ACTIVITY ON SCHOOL DISTRICT PROPERTY--BRAIN INJURY PROTOCOL COMPLIANCE--CERTIFICATION.--

A. A coach shall not allow a student athlete to participate in a school athletic activity on the same day that the student athlete:

(1) exhibits signs, symptoms or behaviors consistent with a brain injury after a coach, a school official or a student athlete reports, observes or suspects

1 that a student athlete exhibiting these signs, symptoms or  
2 behaviors has sustained a brain injury; or

3 (2) has been diagnosed with a brain injury.

4 B. A coach may allow a student athlete who has  
5 been prohibited from participating in a school athletic  
6 activity pursuant to Subsection A of this section to  
7 participate in a school athletic activity no sooner than two  
8 hundred forty hours from the hour in which the student  
9 athlete received a brain injury and only after the student  
10 athlete:

11 (1) no longer exhibits any sign, symptom or  
12 behavior consistent with a brain injury; and

13 (2) receives a written medical release from  
14 a licensed health care professional.

15 C. Each school district shall ensure that each  
16 coach participating in school athletic activities in the  
17 school district receives training provided pursuant to  
18 Paragraph (1) of Subsection D of this section.

19 D. The New Mexico activities association shall  
20 consult with the brain injury advisory council and school  
21 districts to promulgate rules to establish:

22 (1) protocols and content consistent with  
23 current medical knowledge for training each coach  
24 participating in school athletic activities to:

25 (a) understand the nature and risk of

1 brain injury associated with athletic activity;

2 (b) recognize signs, symptoms or  
3 behaviors consistent with a brain injury when a coach  
4 suspects or observes that a student athlete has received a  
5 brain injury;

6 (c) understand the need to alert  
7 appropriate medical professionals for urgent diagnosis or  
8 treatment; and

9 (d) understand the need to follow  
10 medical direction for proper medical protocols; and

11 (2) the nature and content of brain injury  
12 information forms and educational materials for, and the  
13 means of providing these forms and materials to, coaches,  
14 student athletes and student athletes' parents or guardians  
15 regarding the nature and risk of brain injury resulting from  
16 athletic activity, including the risk of continuing or  
17 returning to athletic activity after a brain injury.

18 E. At the beginning of each academic year or  
19 participation in school athletic activities, a school  
20 district shall provide a brain injury information form  
21 created pursuant to Subsection D of this section to a student  
22 athlete and the student athlete's parent or guardian. The  
23 school district shall receive signatures on the brain injury  
24 information form from the student athlete and the student  
25 athlete's parent or guardian before permitting the student

1 athlete to begin or continue participating in school athletic  
2 activities for that academic year.

3 F. As a condition of permitting nonscholastic  
4 youth athletic activity to take place on school district  
5 property, the superintendent of a school district shall  
6 require the person offering the nonscholastic youth athletic  
7 activity to sign a certification that the nonscholastic youth  
8 athletic activity will follow the brain injury protocols  
9 established pursuant to Section 2 of this 2016 act.

10 G. As used in this section:

11 (1) "academic year" means any consecutive  
12 period of two semesters, three quarters or other comparable  
13 units commencing with the fall term each year;

14 (2) "brain injury" means a body-altering  
15 physical trauma to the brain, skull or neck caused by, but  
16 not limited to, blunt or penetrating force, concussion,  
17 diffuse axonal injury, hypoxia-anoxia or electrical charge;

18 (3) "licensed health care professional"  
19 means:

20 (a) a practicing physician or physician  
21 assistant licensed pursuant to the Medical Practice Act;

22 (b) a practicing osteopathic physician  
23 licensed pursuant to Chapter 61, Article 10 NMSA 1978;

24 (c) a practicing certified nurse  
25 practitioner licensed pursuant to the Nursing Practice Act;



1 (d) a practicing osteopathic  
2 physician's assistant licensed pursuant to the Osteopathic  
3 Physicians' Assistants Act;

4 (e) a practicing psychologist licensed  
5 pursuant to the provisions of the Professional Psychologist  
6 Act;

7 (f) a practicing athletic trainer  
8 licensed pursuant to the provisions of the Athletic Trainer  
9 Practice Act; or

10 (g) a practicing physical therapist  
11 licensed pursuant to the Physical Therapy Act;

12 (4) "nonscholastic youth athletic activity"  
13 means an organized athletic activity in which the  
14 participants, a majority of whom are under nineteen years of  
15 age, are engaged in an athletic game or competition against  
16 another team, club or entity, or in practice or preparation  
17 for an organized athletic game or competition against another  
18 team, club or entity. "Nonscholastic youth athletic  
19 activity" does not include an elementary school, middle  
20 school, high school, college or university activity or an  
21 activity that is incidental to a nonathletic program;

22 (5) "school athletic activity" means a  
23 sanctioned middle school, junior high school or senior high  
24 school function that the New Mexico activities association  
25 regulates; and

1 (6) "student athlete" means a middle school,  
2 junior high school or senior high school student who engages  
3 in, is eligible to engage in or seeks to engage in a school  
4 athletic activity."

5 SECTION 2. BRAIN INJURY--PROTOCOLS--TRAINING OF  
6 COACHES--BRAIN INJURY EDUCATION.--

7 A. A coach shall not allow a youth athlete to  
8 participate in a youth athletic activity on the same day that  
9 the youth athlete:

10 (1) exhibits signs, symptoms or behaviors  
11 consistent with a brain injury after a coach, a league  
12 official or a youth athlete reports, observes or suspects  
13 that a youth athlete exhibiting these signs, symptoms or  
14 behaviors has sustained a brain injury; or

15 (2) has been diagnosed with a brain injury.

16 B. A coach may allow a youth athlete who has been  
17 prohibited from participating in a youth athletic activity  
18 pursuant to Subsection A of this section to participate in a  
19 youth athletic activity no sooner than two hundred forty  
20 hours from the hour in which the youth athlete received a  
21 brain injury and only after the youth athlete:

22 (1) no longer exhibits any sign, symptom or  
23 behavior consistent with a brain injury; and

24 (2) receives a written medical release from  
25 a licensed health care professional.

1           C. Each youth athletic league shall ensure that  
2 each coach participating in youth athletic activities  
3 receives training provided pursuant to Paragraph (1) of  
4 Subsection D of this section.

5           D. The department of health shall consult with the  
6 brain injury advisory council to promulgate rules to  
7 establish:

8                   (1) protocols and content consistent with  
9 current medical knowledge for training each coach  
10 participating in youth athletic activities to:

11                           (a) understand the nature and risk of  
12 brain injury associated with youth athletic activity;

13                           (b) recognize signs, symptoms or  
14 behaviors consistent with a brain injury when a coach  
15 suspects or observes that a youth athlete has received a  
16 brain injury;

17                           (c) understand the need to alert  
18 appropriate medical professionals for urgent diagnosis or  
19 treatment; and

20                           (d) understand the need to follow  
21 medical direction for proper medical protocols; and

22                   (2) the nature and content of brain injury  
23 information forms and educational materials for, and the  
24 means of providing these forms and materials to, coaches,  
25 youth athletes and youth athletes' parents or guardians

1 regarding the nature and risk of brain injury resulting from  
2 youth athletic activity, including the risk of continuing or  
3 returning to youth athletic activity after a brain injury.

4 E. At the beginning of each athletic season or  
5 participation in youth athletic activities, a youth athletic  
6 league shall provide a brain injury information form created  
7 pursuant to Subsection D of this section to a youth athlete  
8 and the youth athlete's parent or guardian. The youth  
9 athletic league shall receive signatures on the brain injury  
10 information form from the youth athlete and the youth  
11 athlete's parent or guardian before permitting the youth  
12 athlete to begin or continue participating in youth athletic  
13 activities for the athletic season or term of participation.

14 F. As used in this section:

15 (1) "brain injury" means a body-altering  
16 physical trauma to the brain, skull or neck caused by blunt  
17 or penetrating force, concussion, diffuse axonal injury,  
18 hypoxia-anoxia or electrical charge;

19 (2) "licensed health care professional"  
20 means:

21 (a) a practicing physician or physician  
22 assistant licensed pursuant to the Medical Practice Act;

23 (b) a practicing osteopathic physician  
24 licensed pursuant to Chapter 61, Article 10 NMSA 1978;

25 (c) a practicing certified nurse

1 practitioner licensed pursuant to the Nursing Practice Act;

2 (d) a practicing osteopathic  
3 physician's assistant licensed pursuant to the Osteopathic  
4 Physicians' Assistants Act;

5 (e) a practicing psychologist licensed  
6 pursuant to the provisions of the Professional Psychologist  
7 Act;

8 (f) a practicing athletic trainer  
9 licensed pursuant to the provisions of the Athletic Trainer  
10 Practice Act; or

11 (g) a practicing physical therapist  
12 licensed pursuant to the provisions of the Physical Therapy  
13 Act;

14 (3) "youth athlete" means an individual  
15 under nineteen years of age who engages in, is eligible to  
16 engage in or seeks to engage in a community athletic  
17 activity; and

18 (4) "youth athletic activity" means an  
19 organized athletic activity in which the participants, a  
20 majority of whom are under nineteen years of age, are engaged  
21 in an athletic game or competition against another team, club  
22 or entity, or in practice or preparation for an organized  
23 athletic game or competition against another team, club or  
24 entity. "Youth athletic activity" does not include an  
25 elementary school, middle school, high school, college or

1 university activity or an activity that is incidental to a  
2 nonathletic program. \_\_\_\_\_

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