

22-13-1.1. Graduation requirements.

Statute text

A. At the end of grades eight through eleven, each student shall prepare an interim next-step plan that sets forth the coursework for the grades remaining until high school graduation. Each year's 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 and the student's guidance counselor or other school official charged with coursework planning for the student.

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

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

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

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

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

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

E. The secretary shall:

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

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

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

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

F. 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.

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

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

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

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

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

(5) one unit in physical education;

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

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

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

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

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

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

- (1) four units in English, with major emphasis on grammar, nonfiction writing and literature;
- (2) four units in mathematics, of which one shall be the equivalent to or higher than the level of algebra 2, unless the parent submitted written, signed permission for the student to complete a lesser mathematics unit; and provided that a financial literacy course that meets state mathematics academic content and performance standards shall qualify as one of the four required mathematics units;
- (3) three units in science, two of which shall have a laboratory component;
- (4) three and one-half units in social science, which shall include United States history and geography, world history and geography, government and economics and one-half unit of New Mexico history;
- (5) one unit in physical education, as determined by each school district, which may include a physical education program that meets state content and performance standards or participation in marching band, junior reserve officers' training corps or interscholastic sports sanctioned by the New Mexico activities association or any other co-curricular physical activity;
- (6) one unit in one of the following: a career cluster course, workplace readiness or a language other than English; and
- (7) seven and one-half elective units that meet department content and performance standards. Career and technical education courses shall be offered as an elective. Student service learning shall be offered as an elective. Financial literacy shall be offered as an elective. Pre-apprenticeship programs may be offered as electives. Media literacy may be offered as an elective.

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

- (1) age-appropriate sexual abuse and assault awareness and prevention training that meets department standards developed in consultation with the federal centers for disease control and prevention that are based on evidence-based methods that have proven to be effective; and
- (2) lifesaving skills training that follows nationally recognized guidelines for hands-on psychomotor skills cardiopulmonary resuscitation training. Students shall be trained to recognize the signs of a heart attack, use an automated external defibrillator and perform the Heimlich maneuver for choking victims. The secretary shall promulgate rules to provide for the:
 - (a) use of the following instructors for the training provided pursuant to this paragraph: 1) school nurses, health teachers and athletic department personnel as instructors; and 2) any qualified persons volunteering to provide training at no cost to the school district that the school district determines to be eligible to offer instruction pursuant to this paragraph; and
 - (b) approval of training and instructional materials related to the training established pursuant to this paragraph in both English and Spanish.

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

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

N. Beginning with the 2010-2011 school year, a student shall not receive a New Mexico diploma of excellence if the student has not demonstrated competence in the subject areas of mathematics, reading and language arts, writing, social studies and science, including a section on the constitution of the United States and the constitution of New Mexico, based on a standards-based assessment or assessments or a portfolio of standards-based indicators established by the department by rule. The standards-based assessments required in Section [22-2C-4](#) NMSA 1978 may also serve as the assessment required for high school graduation. If a student exits from the school system at the end of grade twelve without having satisfied the requirements of this subsection, the student shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system the student satisfies the requirements of this subsection, the student may receive a New Mexico diploma of excellence. Any student satisfying the requirements of this subsection and completing all other requirements within five years of entering ninth grade, including a final summer session if completed by August 1, may be counted by the school system in which the student is enrolled as a high school graduate for the year in which all requirements are satisfied.

O. As used in this section:

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

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

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

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

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

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

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

- (a) advanced placement or honors courses;
- (b) dual-credit courses offered in cooperation with an institution of higher education;
- (c) distance learning courses;
- (d) career-technical courses; and
- (e) pre-apprenticeship programs.

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

History
History: 1978 Comp., § [22-2-8.4](#), enacted by Laws 1986, ch. [33](#), § [5](#); 1987, ch. [320](#), § [2](#); 1988, ch. [105](#), § [2](#); 1989, ch. [220](#), § [1](#); 1990 (1st S.S.), ch. [3](#), § [3](#); 1993, ch. [68](#), § [3](#); 1993, ch. [92](#), § [1](#); 1993, ch. [226](#), § [7](#); 1993, ch. [230](#), § [1](#); 1995, ch. [174](#), § [1](#); 1995, ch. [180](#), § [1](#); 1997, ch. [234](#), § [2](#); 2001, ch. [257](#), § [1](#); 2001, ch. [276](#), § [1](#); recompiled and amended as § 22-13-1.1 by Laws 2003, ch. [153](#), § [58](#); 2004, ch. [29](#), § [1](#); 2005, ch. [314](#), § [1](#); 2005, ch. [315](#), § [10](#); 2007, ch. [305](#), § [1](#); 2007, ch. [307](#), § [8](#); 2007, ch. [308](#), § [8](#); 2008, ch. [21](#), § [2](#); 2009, ch. [256](#), § [1](#); 2009, ch. [267](#), § [2](#); 2009, ch. [268](#), § [1](#); 2010, ch. [25](#), § [1](#); 2010, ch. [110](#), § [1](#); 2014, ch. [9](#), § [3](#); 2014, ch. [70](#), § [1](#); 2014, ch. [71](#), § [1](#); 2015, ch. [60](#), § [1](#); 2016, ch. [17](#), § [2](#); 2016, ch. [18](#), § [2](#).

Annotations

Cross references. — For student achievement, see [22-2C-1](#) NMSA 1978 et seq.

For the federal Individuals with Disabilities Education Act, see 20 U.S.C.

The 2016 amendment, effective May 18, 2016, included lifesaving skills training to health education courses as a requirement for graduation; in Subsection K, in the fourth sentence of the introductory paragraph, after "Health education", added "courses", after "shall include", added the new paragraph designation "(1)", in Paragraph (1), after the semicolon, added "and", and added new Paragraph (2); and in Subsection N, in the fourth sentence, after "student satisfies the", deleted "requirement" and added "requirements".

Laws 2016, ch. [17](#), § [2](#) and Laws 2016, ch. [18](#), § [2](#), both effective May 18, 2016, enacted identical amendments to this section. The section was set out as amended by Laws 2016, ch. [18](#), § [2](#). See [12-1-8](#) NMSA 1978.

Applicability. — Laws 2016, ch. [17](#), § [4](#) and Laws 2016, ch. [18](#), § [4](#) provided that lifesaving skills training pursuant to Paragraph (2) of Subsection H of Section [22-13-1](#) NMSA 1978 and Paragraph (2) of Subsection K of Section [22-13-1.1](#) NMSA 1978 shall not be required for students in grades nine through twelve who are enrolled in a virtual charter school.

Temporary provisions. — Laws 2016, ch. [17](#), § [3](#) and Laws 2016, ch. [18](#), § [3](#) provided that by December 31, 2016, the secretary of public education shall adopt and promulgate rules to implement the provisions of Laws 2016, ch. [17](#), §§ [1](#) and [2](#), and Laws 2016, ch. [18](#), §§ [1](#) and [2](#).

The 2015 amendment, effective July 1, 2015, amended the Public School Code to require inclusion of certain career technical education courses as electives and to allow inclusion of certain certificates or degrees to be weighed in calculating a student's grade point average; in Subsection D, Paragraph (1), after "career clusters", added "and career pathways"; in Subsection I, after "certain graduation requirements", added "and districts may choose to allow students who successfully complete an industry-recognized credential, certificate or degree to receive additional weight in the calculation of the student's grade point average"; in Subsection J, Paragraph (7), after "content and performance standards." added "Career and technical education courses shall be offered as elective."; and in Subsection O, added Paragraphs (1), (2), (3) and (4), and renumbered the succeeding paragraphs accordingly.

The 2014 amendment, effective March 12, 2014, authorized school districts to determine ways for students to meet the physical education unit requirements for graduation; limited changes to graduation requirements after students enter ninth grade; required health education to include age-appropriate sexual abuse and assault awareness and prevention training that meets federal standards; added Subsection F; in Subsection J, Paragraph (5), after "physical education", added "as determined by each school district, which may include a physical education program that meets state content and performance standards or participation in marching band, junior reserve officers' training corps or interscholastic sports sanctioned by the New Mexico activities association or any other co-curricular physical activity"; and in Subsection K, added the fourth sentence.

The 2010 amendment, effective May 19, 2010, added Subsection J.

The 2009 amendment, effective April 8, 2009, in Subsections K and L, added the last sentences.

The 2008 amendment, effective May 14, 2008, added financial literacy as an elective in Paragraph (7) of Subsection I and in Subsection L, provided that the standards-based assessment required by [22-2C-4](#) NMSA 1978 may serve as the assessment required for high school graduation.

The 2007 amendment, effective July 1, 2007, required school boards to ensure that students have an opportunity to develop next-step plans based on reports of college and workplace readiness assessments and are informed about honors or advance placement courses, career cluster or remediation programs that college and workplace readiness assessments indicate to be appropriate; added Subsections G, I and L; and required that a "next-step plan" include advanced placement or honors courses, dual-credit courses and distance learning courses.

The 2005 amendment, effective April 7, 2005, deleted reference to "guardian" in Subsections A and B; and deleted "other physical activity" in Subsection F(5).

The 2004 amendment, effective July 1, 2004, deleted Subsection A, added new Subsections A through G, redesignated Subsections C and D as Subsections G and H, added Subsection I, added Subsection J, redesignated former Subsection E as Subsection K and changed "state board" to "secretary of public education" in Subsection K.

The 2003 amendment, effective April 4, 2003, recompiled former 22-2-8.4 NMSA 1978 as present 22-13-1.1 NMSA 1978; deleted "of education" following "the department" throughout the section; substituted "scientifically based reading research that has been" for "research based reading programs" following "based upon quality," near the middle of Subsection A; substituted "licensed school employees" for "classroom certified instructional staff" following "staff development" near the beginning of Subsection A(2); substituted "teachers and other applicable licensed school employees" for "certified school instructors" following "provided to" near the beginning of Subsection A(4); and substituted "licensed" for "certified" following "especially" near the middle of Subsection C.

The 2001 amendment, effective June 15, 2001, in Subsection D, deleted "Beginning with students entering the ninth grade in the 1986-87 school year" from the beginning of the subsection; substituted "state graduation examination" for "state competency examination" throughout the subsection; and inserted "writing" preceding "science and social science".

The 1997 amendment, effective June 20, 1997, inserted "American sign language" following "health education" near the end of Paragraph B(7), and inserted the second sentence in Subsection D.

The 1995 amendment, effective June 16, 1995, added the last sentence in Subsection B, and deleted the first part of Subsection C, which read "Effective with the 1987-88 school year".

The 1993 amendment, effective June 18, 1993, added the final sentence of Subsection D.

The 1990 (1st S.S.) amendment, effective July 1, 1990, deleted "in grades nine through twelve" following "twenty-three units" near the beginning of Subsection B.

The 1989 amendment, effective June 16, 1989, added "which may include a language other than English" at the end of Subsection B(6).

The 1988 amendment, effective May 18, 1988, inserted "or during the ninth grade" in Subsection A and added Subsection E.