



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 02/05 /25

Bill No: SB258

Agency Name and Code: PED - 924

Sponsor: Charley/Gurrola

PED Lead Analyst: -

Phone: - Email: -

Short Title: HUMAN SEXUALITY
EDUCATION

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY26 | FY27 | | |
| None | None | N/A | N/A |

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY26 | FY27 | FY28 | | |
| None | None | None | N/A | N/A |

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY26 | FY27 | FY28 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|---------|---------|---------|-------------------|---------------------------|---------------|
| Total | \$110.0 | \$110.0 | \$110.0 | \$330.0 | Recurring | GF |

Duplicates/Relates to Appropriation in the General Appropriation Act: None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 258 (SB258) would amend Public School Code [Courses of Instruction and School Programs](#) to include a health course in middle school and a half-unit health course in high school. The middle school health course requirement would apply for students entering seventh grade in the 2027-2028 school year. The half-unit health course would be required for high school graduation for students entering ninth grade beginning in the 2027-2028 school year. All health education courses would include comprehensive human sexuality education that meets Public Education Department (PED) content and performance standards, but such content would be optional for students whose parents excuse them from it. Local school boards and charter school governing bodies would determine in which middle school grade health education would be offered.

By the beginning of the 2026-2027 school year, each school district and charter school would be required to submit to PED a comprehensive human sexuality education implementation plan for the 2027-2028 school year and subsequent school years.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

To develop curriculum and standards for health education and to establish and maintain a health education plan review and approval process, as required by the bill, would require at least one additional PED staff member beginning in FY26, at a cost of \$110 thousand annually.

SIGNIFICANT ISSUES

SB285 allows for human sexuality education to be taught by a school nurse, health or science teachers, athletic department personnel, or any qualified private person or community organization. The list of possible instructors identified in SB258 who would be allowed to teach the human sexuality section of the health curriculum may not initially have adequate or up-to-date training on this topic. Training would likely be required to ensure instructors are well-prepared to teach the new curriculum. To teach other content areas in New Mexico public schools, individuals must be certified teachers with subject area endorsements. It is unclear how allowing non-teachers to teach health education topics would improve student learning. Bringing outside instructors to teach human sexuality would also set the topic apart from other curricular areas such that the topic may be seen by students as taboo.

SB248 allows for parents to excuse their students from human sexuality education. Students are not statutorily allowed to be excused from other educational topics. [Meta-analysis](#) shows that comprehensive human sexuality education is important for helping students to recognize and respect social and sexual relationships and to increase protective behaviors such as abstinence. The [National Association of School Nurses](#) notes that students with disabilities are often excused from human sexuality education and that they experience a higher incidence of sexual abuse and exploitation.

Excusing students from important health education content that parents find inappropriate could set precedent for students to be excused from other topics that parents may take exception to, such as slavery or the holocaust. Additionally, students given an alternative assignment to human sexuality content due to parental excusal may feel self-conscious or isolated from their peers.

PERFORMANCE IMPLICATIONS

Implementing SB258 could lead to improved student health literacy. Research indicates that comprehensive sexuality education (CSE) can positively influence student outcomes. A [systematic review](#) spanning three decades in the United States and other nations found that school-based CSE programs effectively delay sexual initiation, reduce the number of sexual partners, and increase contraceptive use among adolescents.

Additionally, an [evaluation](#) of Planned Parenthood’s Get Real program, designated by the U.S. Department of Health and Human Services (HHS) as an evidence-based program, demonstrated that middle school students receiving CSE were less likely to initiate sexual activity compared to their peers who did not.

Beyond sexual health, CSE has been associated with broader academic benefits. According to a 2017 study by Centers for Disease Control and Prevention (CDC), which analyzed sexual risk behaviors among other health-related behaviors, students with higher academic performance had the most protective and the least risk behaviors compared with students with lower academic performance, “These findings highlight the link between health-related behaviors and education outcomes.” Students engaged in such programs often exhibit improved decision-making skills and a greater sense of connectedness to their school community, factors that contribute to enhanced academic performance.

ADMINISTRATIVE IMPLICATIONS

By July 1, 2027, PED would be required to develop a health education plan review and approval process and a model curriculum for middle school and high school health education courses. PED would also be required to promulgate rules for instructor qualifications, instructional materials, and implementation plans.

For PED to develop curriculum and standards for health education that meet the requirements of SB258 and to establish and maintain a health education plan review and approval process as required by the bill would require at least one additional PED staff member beginning in FY26 at a cost of \$110 thousand annually.

The bill would require PED to adopt rules to implement the new health education graduation requirement and ensure that comprehensive human sexuality education is included in the middle school and high school curricula. These rules would establish curriculum guidelines, instructional materials, and teacher qualifications to align with state-mandated health education standards. The PED’s graduation manual would also need to be updated.

SB258 would introduce additional administrative responsibilities for PED, school districts, and charter schools. It would require planning and training. The bill would present challenges related to timelines for curriculum approval, resource development, teacher licensure and preparedness, and management of parental concerns and excusals.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

SB258 would require that middle schools “offer” health education, inclusive of comprehensive human sexuality. It further provides that school boards and governing councils determine in which middle school grade health education “will be required.” It is unclear from these two provisions of the bill if it is only required for health education to be offered, or if all middle school students must take the health education course, or if all middle school students must pass health education for matriculation to the next grade level.

OTHER SUBSTANTIVE ISSUES

Many school districts and charter schools currently offer health education in middle school for high school credit. SB258 would amend high school graduation requirements such that health education must be taken while a student is enrolled in high school. This would reduce the amount of other required or elective classes that a student can take in high school.

SB258 would double the amount of health classes currently required in middle school and high school. This would increase the number of health teachers needed in the state.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

Curriculum development requires funding for resources and for training. Funding for program implementation and operation should accompany the requirement to implement new health curriculum. The sponsor may wish to consider adding an appropriation to address the costs associated with the development and maintenance of the program at the department and at districts and charter schools.

Implementation should be phased in to support teacher certification and preparation. The sponsor may wish to consider amending the bill to phase in the requirements.

The sponsor may wish to amend SB258 to remove the parental excusal from human sexuality content as all students would benefit from access to the curriculum.

The sponsor may wish to amend SB258 to require that curriculum for health education, including comprehensive human sexuality education be provided by a certified health teacher.