

G. The electives authorized in Subsections E and F of this section are art, industrial arts, chorus, band, home economics, typing, creative writing, speech, drama, Spanish, computer literacy and other electives approved by the state board.

History: 1978 Comp., § 22-2-8.3, enacted by Laws 1986, ch. 33, § 4; 1990 (1st S.S.), ch. 3, § 2; 1993, ch. 226, § 6.

The 1990 (1st S.S.) amendment, effective July 1, 1990, rewrote Subsections A to D; deleted former Subsection E, relating to the classes of instruction for those sixth grade classes not included in an elemen-

tary school; and redesignated former Subsections F to I as present Subsections E to H.

The 1993 amendment, effective July 1, 1993, deleted former Subsection H, which read "The provisions of this section shall be effective with the 1987-88 school year."

22-2-8.4. Graduation requirements.

A. At the end of the eighth grade or during the ninth grade, each student shall prepare an individual program of study for grades nine through twelve. The program of study shall be signed by a student's parent or guardian.

B. Beginning with students entering the ninth grade in the 1986-87 school year, successful completion of a minimum of twenty-three units 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;
- (3) two units in science, 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 fitness;
- (6) one unit in communication skills, with major emphasis on writing and speaking, which may include a language other than English; and

(7) nine elective units. Only the following elective units shall be counted toward meeting the requirements for graduation: fine arts, i.e., music, band, chorus and art; practical arts; physical education; languages other than English; speech; drama; vocational education; mathematics; science; English; R.O.T.C.; social science; computer science; health education; and other electives approved by the state board.

C. Effective with the 1987-88 school year, final examinations shall be administered to all students in all classes offered for credit.

D. Beginning with students entering the ninth grade in the 1986-87 school year, no student shall receive a high school diploma who has not passed a state competency examination in the subject areas of reading, English, math, science and social science. If a student exits from the school system at the end of grade twelve without having passed a state competency examination, he 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 he takes and passes the state competency examination, he may receive a high school diploma.

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

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.

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

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

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.

1993 amendments. — Laws 1993, ch. 68, § 3, effective July 1, 1994, inserting "defensive driving" near the end of Paragraph (7) and adding Subsection F, was approved March 19, 1993. Laws 1993, ch. 92, § 1, effective March 31, 1993 rewriting Subsection D and adding Subsection E, was approved March 31, 1993. Laws 1993, ch. 226, § 7 effective July 1, 1993, deleting "Beginning with students entering the ninth grade in the 1986-87 school year" at the beginning of Subsections B and D and deleting "Effective with the 1987-88 school year" at the beginning of Subsection C, was approved April 7, 1993. However, Laws 1993, ch. 230, § 1, effective June 18, 1993, also amending this section by adding the final sentence of Subsection D, was approved April 7, 1993. The section is set out as

amended by Laws 1993, ch. 230, § 1. See 12-1-8 NMSA 1978.

Public School Code. — See 22-1-1 NMSA 1978 and notes thereto.

22-2-8.5. Additional statewide testing.

A. The state board shall expand the program of educational accountability established through its educational standards by adding reading assessments and writing production tests to its existing uniform statewide system of assessment to determine pupil status, progress and degree of achievement of basic skills and of essential educational competencies.

B. The department of education shall involve local school district personnel, especially certified elementary reading specialists, in the development of methods on a statewide basis to measure student reading performance in order to assist school districts in the assessment of student problem areas in the first and second grades.

C. The department of education shall involve local school district personnel, especially certified school instructors in the fourth and sixth grades, in the development or selection of a uniform statewide writing production test for school districts, which shall be administered in grades four and six to measure student writing performance in order to assist school districts in the assessment of student problem areas.

History: 1978 Comp., § 22-2-8.5, enacted by Laws 1986, ch. 33, § 6; 1989, ch. 270, § 1; 1993, ch. 226, § 8.

Cross references. — As to annual report card, see 22-1-6 NMSA 1978.

The 1989 amendment, effective April 6, 1989, in Subsection B, substituted the present language beginning with "of methods on a statewide basis" for "or selection of a statewide, nationally normed reading

assessment instrument for school districts, which shall be administered in the spring of the first and second grades to measure student reading performance in order to assist school districts in the assessment of student problem areas".

The 1993 amendment, effective July 1, 1993, deleted former Subsection D, which read "The provisions of this section shall be effective with the 1987-88 school year."

22-2-8.6. Essential competencies; remediation programs; promotion policies; exception.

A. The state board shall identify measurable essential competencies and determine the criteria for mastery of the essential competencies as established in the state educational standards.

B. Local school boards shall develop remediation programs to provide special instructional assistance to students in grades one through eight who fail to master the essential competencies as established by the state board. Remediation programs may include but not be limited to tutoring or summer programs. The cost of school district-approved remediation programs shall be borne by the school district. Remediation plans shall be filed with the state board.

C. The cost of summer and after-school remediation programs offered in grades nine through twelve shall be borne by the parent or guardian; however, where parents are determined to be indigent according to guidelines established by the state board, the local school board shall bear those costs.

D. Diagnosis of weaknesses identified by the reading assessment instrument administered pursuant to Section 22-2-8.5 NMSA 1978 shall serve as a criterion in assessing the need for remedial programs or retention.

E. At the end of grades one through eight, there are three options available, dependent on a student's mastery of essential competencies:

(1) the student has mastered the essential competencies and shall enter the next higher grade;

(2) the student has not mastered the essential competencies and may participate in remediation. Upon certification by the school district that the student has successfully mastered his areas of deficiency, he shall enter the next higher grade; or

(3) the student has not mastered the essential competencies and upon the recommendation of the certified school instructor and school principal shall be retained in the same grade for no more than one school year in order to have an additional opportunity to