

- (3) language other than English;
- (4) communication skills;
- (5) science;
- (6) art;
- (7) music;
- (8) social studies;
- (9) New Mexico history;
- (10) United States history;
- (11) geography; and
- (12) physical fitness.

E. In fourth through eighth grades, school districts shall offer electives that contribute to academic growth and skill development and provide career and technical education.

History: 1978 Comp., § 22-13-1, enacted by Laws 2003, ch. 153, § 57.

Repeals and reenactments. — Laws 2003, ch. 153, § 57 repeals former 22-13-1 NMSA 1978, as enacted by Laws 1967, ch. 16, § 180, and enacts the above section, effective April 4, 2003. For provisions of former section, see 2001 Replacement Pamphlet.

Compiler's notes. — Laws 2003, ch. 143, § 2, effective July 1, 2004, and contingent upon adoption of an amendment to Article 12, Section 6 of the constitution of New Mexico, repeals Articles 1, 2, 13, 13A and 15 of Chapter 22 NMSA 1978.

22-13-1.1. Graduation requirements. (Contingent repeal effective July 1, 2004.)

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.

B. 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 or other physical activity;
- (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; and
- (7) nine elective units and eight elective units for students entering the ninth grade in the 2005-2006 school year that meet state board content and performance standards. Student service learning shall be offered as an elective.

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

D. A student shall not receive a high school diploma who has not passed a state graduation examination in the subject areas of reading, English, math, writing, science and social science. 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, 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 graduation 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 [Chapter 22 NMSA 1978].

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 1978 Comp., § 22-13-1.1 by Laws 2003, ch. 153, § 58.**

Cross references. — As to student achievement, see 22-2C-1 NMSA 1978 et seq.

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.

1995 amendments. — Laws 1995, ch. 174, § 1, effective June 16, 1995, deleting "Effective with the 1987-88 school year" from the beginning of Subsection C, and adding "Beginning with the 1996-97 school year, the state competency examinations on social science shall include a section on the United States constitution and the constitution of New Mexico" as the second sentence of Subsection D, was approved April 6, 1995. However, Laws 1995, ch. 180, § 1, effective June 16, 1995, also amending this section by adding the last sentence in Subsection B and deleting the first part of Subsection C which read "Effective with the 1987-88 school year", but not giving effect to the changes made by the first 1995 amendment, was approved April 6, 1995. The section is set out as amended by Laws 1995, ch. 180, § 1. See 12-1-8 NMSA 1978.

The 1997 amendment inserted "American sign language" following "health education" near the end of Paragraph B(7), and inserted the second sentence in Subsection D. Laws 1997, ch. 234 contains no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, is effective on June 20, 1997, 90 days after adjournment of the legislature.

2001 amendments. — Laws 2001, ch. 276, § 1, effective June 15, 2001, in Subsection D, deleting

"Beginning with students entering the ninth grade in the 1986-87 school year" from the beginning of the subsection, substituting "state graduation examination" for "state competency examination" throughout the subsection, and inserting "writing" preceding "science and social science", was approved April 4, 2001. However, this section was also amended by Laws 2001, ch. 257, § 1, effective June 15, 2001, which would have amended the section to read as follows:

"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. 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; American sign language; and other electives approved by the state board.

"With the approval of the local school board, participation in a marching band, on an athletic team or in an athletic sport during the school day may count toward fulfillment of the physical education required unit.

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

"D. 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. The state competency examinations 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 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 cur-

ricular and testing provisions of the Public School Code.”

Because Laws 2001, ch. 257 § 1 was approved earlier on April 4, 2001, this section is set out as amended by Laws 2001, ch. 276, § 1. See 12-1-8 NMSA 1978.

The 2003 amendment, recompiled former 22-2-8.4 NMSA 1978 as present 22-13-1.1 NMSA 1978, effective April 4, 2003; 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.

Compiler’s notes. — Laws 2003, ch. 143, § 2, effective July 1, 2004, and contingent upon adoption of an amendment to Article 12, Section 6 of the constitution of New Mexico, repeals Articles 1, 2, 13, 13A and 15 of Chapter 22 NMSA 1978. This section was compiled as Section 22-2-8.4 NMSA 1978 at the time of the enactment of Laws 2003, Chapter 143, Section 2.

22-13-1.2. High school curricula and end-of-course tests; alignment.

High school curricula and end-of-course tests shall be aligned with the placement tests administered by two- and four-year public post-secondary educational institutions in New Mexico. The department shall collaborate with the commission on higher education in aligning high school curricula and end-of-course tests with the placement tests.

History: 1978 Comp., § 22-13-1.2, enacted by Laws 2003, ch. 153, § 59.

Emergency clauses. — Laws 2003, ch. 153, § 74

makes the act effective immediately. Approved April 4, 2003.

22-13-1.3. Reading initiative; design. (Contingent repeal effective July 1, 2004.)

A. The department shall design and implement a statewide reading initiative to improve reading proficiency in the state. The design of the reading initiative shall be based upon quality, scientifically based reading research that has been shown to improve reading proficiency and shall include the following:

- (1) consistent assessment and evaluation of student reading levels;
- (2) appropriate professional staff development to assist licensed school employees in the instruction of reading;
- (3) extra time in the student’s day or year for implementation of reading programs;
- (4) rewards provided to teachers and other applicable licensed school employees in public schools that improve student reading proficiency; and
- (5) criteria for public schools to establish an individualized reading plan for students who fail to meet grade level reading proficiency standards.

B. The department shall use national experts to work with the department to develop an immediate reading initiative and a long-term plan for sustained reading improvement.

C. The department shall involve school district personnel, especially licensed elementary reading specialists, parents and other interested persons in the design of the reading initiative.

History: Laws 2000 (2nd S.S.), ch. 14, § 1; 2001, ch. 289, § 1; 1978 Comp., § 22-2-6.11, recompiled and amended as 1978 Comp., § 22-13-1.3 by Laws 2003, ch. 153, § 60.

Cross references. — For state department of education, see N.M. Const., art. XII, § 6, 22-2-5 and 22-2-6 NMSA 1978.

The 2001 amendment, effective June 15, 2001, substituted “The department of education” for “The state department of public education” in Subsections A, B and C; added Paragraph A(5); and deleted “local” preceding “school district personnel” in Subsection C.

The 2003 amendment, recompiled former 22-2-

6.11 NMSA 1978 as present 22-13-1.3 NMSA 1978, effective April 4, 2003, and 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 “li-