

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 111

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE HOLOCAUST AND
GENOCIDE STUDIES ACT; CREATING A COUNCIL; PROVIDING POWERS AND
DUTIES; PROVIDING HOLOCAUST EDUCATION AND GENOCIDE STUDIES AS
ELECTIVES THAT MEET ACADEMIC CONTENT AND PERFORMANCE STANDARDS;
PROVIDING FOR PROFESSIONAL DEVELOPMENT.

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

SECTION 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 1 through 6 of this
act may be cited as the "Holocaust and Genocide Studies Act"."

SECTION 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Holocaust and
Genocide Studies Act:

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1 A. "council" means the Holocaust education and
2 genocide studies council;

3 B. "European Holocaust" means the systematic,
4 bureaucratic, state-sponsored persecution and murder of
5 approximately six million Jewish people and five million other
6 people, including the Sinti-Roma and Slavic peoples and the
7 disabled, homosexuals and political enemies by the Nazi regime
8 and its collaborators;

9 C. "genocide" means crimes committed with the
10 intent to destroy a national, ethnic, racial or religious group
11 in whole or in part; and

12 D. "Holocaust education and genocide studies" means
13 courses covering the European Holocaust, genocide and other
14 acts of mass violence and the modern international codification
15 of human rights."

16 SECTION 3. A new section of the Public School Code is
17 enacted to read:

18 "[NEW MATERIAL] HOLOCAUST EDUCATION AND GENOCIDE
19 STUDIES.--School districts and charter schools shall provide
20 age- and grade-appropriate instruction about the European
21 Holocaust, genocide and human rights for students in seventh
22 through twelfth grade. Curriculum may include modern case
23 studies, including Russia's war against civilians in Ukraine;
24 the United States' human and civil rights violations against
25 people of color; China's treatment of Uyghurs; the Islamic

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1 State's genocide of Christian minorities; genocide against
2 marginalized ethnic groups in the Middle East, including Kurds,
3 Yazidis, **Palestinians** and women; and Myanmar's Rohingya
4 genocide, as well as historical genocides of indigenous people
5 and ethnic and religious minorities during wars and
6 colonization throughout history."

7 **SECTION 4.** A new section of the Public School Code is
8 enacted to read:

9 "[NEW MATERIAL] HOLOCAUST EDUCATION AND GENOCIDE STUDIES
10 COUNCIL CREATED--DUTIES.--

11 A. The "Holocaust education and genocide studies
12 council" is created to advise the department, school districts
13 and charter schools about the **European** Holocaust and current
14 and historical genocides. The council is composed of nine
15 members representing a diverse multicultural group of
16 educators, historians and human rights experts and advocates,
17 appointed by the governor with advice from community
18 organizations and the department. Members shall serve three-
19 year terms and may be reappointed for one additional term. The
20 council shall elect a chair and vice chair. The department
21 shall assist the council as assigned by the secretary. The
22 council shall meet as necessary but at least four times each
23 year. Members of the council who are not paid with public
24 money are entitled to receive per diem and mileage pursuant to
25 the Per Diem and Mileage Act, but shall receive no other

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1 compensation, perquisite or allowance for their service on the
2 council.

3 B. The council shall:

4 (1) outline the scope of the content of
5 Holocaust education and genocide studies in different grades
6 and shall identify existing curriculum and areas that require
7 new instructional materials to be produced or procured;

8 (2) identify sources of instructional content
9 and materials that meet state academic content and performance
10 standards to provide and enhance Holocaust education and
11 genocide studies for middle and high school students;

12 (3) identify professional development programs
13 and resources for teachers;

14 (4) promote Holocaust education and genocide
15 studies in venues outside of public schools;

16 (5) make recommendations to the department on
17 improvements to the academic content and performance standards
18 for Holocaust education and genocide studies; and

19 (6) submit an annual report to the governor
20 and legislature on the status of Holocaust education and
21 genocide studies in the state."

22 SECTION 5. A new section of the Public School Code is
23 enacted to read:

24 "[NEW MATERIAL] HOLOCAUST EDUCATION AND GENOCIDE STUDIES
25 ACADEMIC CONTENT AND PERFORMANCE STANDARDS.--The department, in

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1 consultation with the council, shall develop academic content
2 and performance standards for Holocaust education and genocide
3 studies to:

4 A. prepare students to confront the immorality of
5 the **European** Holocaust, genocide, other acts of mass violence
6 and human rights violations and to reflect on the causes of
7 related historical events;

8 B. teach the breadth of the history of the **European**
9 Holocaust, including the Third Reich dictatorship and its
10 concentration camp system, the attempt to exterminate every
11 Jewish person in occupied Europe and the persecution of Jewish
12 people and non-Jewish people, Jewish and non-Jewish resistance
13 and post-World War II trials;

14 C. promote students' understanding of the term
15 "genocide", coined to describe the intent behind the **European**
16 Holocaust; the United Nations' 1948 Convention on the
17 Prevention and Punishment of the Crime of Genocide, the treaty
18 that was intended to prevent future genocides; and **the**
19 **genocides that have continued since that landmark international**
20 **law**;

21 D. develop students' respect for cultural diversity
22 and help students gain insight into the importance of the
23 protection of international human rights for all people;

24 E. communicate the impact of personal
25 responsibility, civic engagement and societal responses;

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1 F. stimulate students' reflection on the roles and
2 responsibilities of citizens in democratic societies to combat
3 misinformation, indifference and discrimination through the
4 development of critical thinking skills;

5 G. provide students with opportunities to
6 contextualize and analyze patterns of human behavior by
7 individuals and groups that belong in one or more categories,
8 including perpetrator, collaborator, bystander, victim and
9 rescuer;

10 H. enable students to understand the ramifications
11 of prejudice, racism and stereotyping;

12 I. preserve the memories of survivors of genocide
13 and provide opportunities for students to discuss and honor
14 survivors' cultural legacies;

15 J. provide students with a foundation for examining
16 the history of discrimination and atrocities in New Mexico; and

17 K. explore the various mechanisms of transitional
18 and restorative justice that help humanity move forward in the
19 aftermath of genocide."

20 SECTION 6. A new section of the Public School Code is
21 enacted to read:

22 "[NEW MATERIAL] PROFESSIONAL DEVELOPMENT--REPORTING.--

23 A. Each school district and charter school shall
24 provide professional development opportunities for teachers in
25 seventh through twelfth grades that teach Holocaust and

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1 genocide studies.

2 B. The department shall report annually to the
3 council:

4 (1) the number of public schools offering age-
5 and grade-appropriate elective Holocaust and genocide studies;
6 and

7 (2) the number of elective courses offered,
8 the grade levels at which age- and grade-appropriate courses
9 are offered and the number and grades of students who take the
10 courses."

11 SECTION 7. Section 22-13-1 NMSA 1978 (being Laws 2003,
12 Chapter 153, Section 57, as amended by Laws 2016, Chapter 17,
13 Section 1 and by Laws 2016, Chapter 18, Section 1) is amended
14 to read:

15 "22-13-1. SUBJECT AREAS--MINIMUM INSTRUCTIONAL AREAS
16 REQUIRED--ACCREDITATION.--

17 A. The department shall require public schools to
18 address department-approved academic content and performance
19 standards when instructing in specific department-required
20 subject areas as provided in this section. A public school or
21 school district failing to meet these minimum requirements
22 shall not be accredited by the department.

23 B. All kindergarten through third grade classes
24 shall provide daily instruction in reading and language arts
25 skills, including phonemic awareness, phonics and

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1 comprehension, and in mathematics. Students in kindergarten
2 and first grades shall be screened and monitored for progress
3 in reading and language arts skills, and students in second
4 grade shall take diagnostic tests on reading and language arts
5 skills.

6 C. All first, second and third grade classes shall
7 provide instruction in art, music and a language other than
8 English, and instruction that meets content and performance
9 standards shall be provided in science, social studies,
10 physical education and health education.

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

14 (1) reading and language arts skills, with an
15 emphasis on writing and editing for at least one year and an
16 emphasis on grammar and writing for at least one year;

17 (2) mathematics;

18 (3) language other than English;

19 (4) communication skills;

20 (5) science;

21 (6) art;

22 (7) music;

23 (8) social studies;

24 (9) New Mexico history;

25 (10) United States history;

1 (11) geography;

2 (12) physical education; and

3 (13) health education.

4 E. Beginning with the 2008-2009 school year, in
5 eighth grade, algebra 1 shall be offered in regular classroom
6 settings or through online courses or agreements with high
7 schools.

8 F. In fourth through eighth grades, school
9 districts shall offer electives that contribute to academic
10 growth and skill development and provide career and technical
11 education. In sixth through eighth grades, media literacy may
12 be offered as an elective. Beginning with the 2024-2025 school
13 year, in seventh and eighth grades, European Holocaust
14 education and genocide studies may be offered as an elective.

15 G. In ninth through twelfth grades, instruction
16 that meets academic content and performance standards shall be
17 provided in health education.

18 H. All health education courses shall include:

19 (1) age-appropriate sexual abuse and assault
20 awareness and prevention training that meets department
21 standards developed in consultation with the federal centers
22 for disease control and prevention that are based on evidence-
23 based methods that have proven to be effective; and

24 (2) lifesaving skills training that follows
25 nationally recognized guidelines for hands-on psychomotor

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1 skills cardiopulmonary resuscitation training. Students shall
2 be trained to recognize the signs of a heart attack, use an
3 automated external defibrillator and perform the Heimlich
4 maneuver for choking victims. The secretary shall promulgate
5 rules to provide for the:

6 (a) use of the following instructors for
7 the training provided pursuant to this paragraph: 1) school
8 nurses, health teachers and athletic department personnel as
9 instructors; and 2) any qualified persons volunteering to
10 provide training at no cost to the school district that the
11 school district determines to be eligible to offer instruction
12 pursuant to this paragraph; and

13 (b) approval of training and
14 instructional materials related to the training established
15 pursuant to this paragraph in both English and Spanish."

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

18 "22-13-1.1. GRADUATION REQUIREMENTS.--

19 A. At the end of grades eight through eleven, each
20 student shall prepare an interim next-step plan that sets forth
21 the coursework for the grades remaining until high school
22 graduation. Each year's plan shall explain any differences
23 from previous interim next-step plans, shall be filed with the
24 principal of the student's high school and shall be signed by
25 the student, the student's parent and the student's guidance

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1 counselor or other school official charged with coursework
2 planning for the student.

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

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

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

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

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

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

5 E. The secretary shall:

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

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

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

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

19 F. Once a student has entered ninth grade, the
20 graduation requirements shall not be changed for that student
21 from the requirements specified in the law at the time the
22 student entered ninth grade.

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

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1 units shall be as follows:

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

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

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

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

14 (5) one unit in physical education;

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

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

21 (8) nine elective units and seven and one-half
22 elective units for students entering the ninth grade in the
23 2005-2006 school year that meet department content and
24 performance standards. Student service learning shall be
25 offered as an elective. Financial literacy shall be offered as

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1 an elective. Pre-apprenticeship programs may be offered as
2 electives. Media literacy may be offered as an elective.

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

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

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

23 (1) four units in English, with major emphasis
24 on grammar, nonfiction writing and literature; provided that
25 department-approved work-based training or career and technical

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1 education courses that meet state English academic content and
2 performance standards shall qualify as one of the four required
3 English units;

4 (2) four units in mathematics, of which one
5 shall be the equivalent to or higher than the level of algebra
6 2, unless the parent submitted written, signed permission for
7 the student to complete a lesser mathematics unit; and provided
8 that a financial literacy course or department-approved work-
9 based training or career and technical education course that
10 meets state mathematics academic content and performance
11 standards shall qualify as one of the four required mathematics
12 units;

13 (3) three units in science, two of which shall
14 have a laboratory component; provided that department-approved
15 work-based training or career and technical education courses
16 that meet state science academic content and performance
17 standards shall qualify as one of the three required science
18 units;

19 (4) three and one-half units in social
20 science, which shall include United States history and
21 geography, world history and geography, government and
22 economics and one-half unit of New Mexico history;

23 (5) one unit in physical education, as
24 determined by each school district, which may include a
25 physical education program that meets state content and

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1 performance standards or participation in marching band, junior
2 reserve officers' training corps or interscholastic sports
3 sanctioned by the New Mexico activities association or any
4 other co-curricular physical activity;

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

8 (7) seven and one-half elective units that
9 meet department content and performance standards. Career and
10 technical education courses shall be offered as an elective.
11 Student service learning shall be offered as an elective.
12 Financial literacy shall be offered as an elective. Pre-
13 apprenticeship programs may be offered as electives. Media
14 literacy may be offered as an elective.

15 K. For students entering the eighth grade in the
16 2012-2013 school year, a course in health education is required
17 prior to graduation. Health education may be required in
18 either middle school or high school, as determined by the
19 school district. Each school district shall submit to the
20 department by the beginning of the 2011-2012 school year a
21 health education implementation plan for the 2012-2013 and
22 subsequent school years, including in which grade health
23 education will be required and how the course aligns with
24 department content and performance standards. Health education
25 courses shall include:

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

6 (2) lifesaving skills training that follows
7 nationally recognized guidelines for hands-on psychomotor
8 skills cardiopulmonary resuscitation training. Students shall
9 be trained to recognize the signs of a heart attack, use an
10 automated external defibrillator and perform the Heimlich
11 maneuver for choking victims. The secretary shall promulgate
12 rules to provide for the:

13 (a) use of the following instructors for
14 the training provided pursuant to this paragraph: 1) school
15 nurses, health teachers and athletic department personnel as
16 instructors; and 2) any qualified persons volunteering to
17 provide training at no cost to the school district that the
18 school district determines to be eligible to offer instruction
19 pursuant to this paragraph; and

20 (b) approval of training and
21 instructional materials related to the training established
22 pursuant to this paragraph in both English and Spanish.

23 L. For students entering the ninth grade in the
24 2017-2018 school year and subsequent school years:

25 (1) one of the units in mathematics required

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1 by Paragraph (2) of Subsection J of this section may comprise a
2 computer science course if taken after the student demonstrates
3 competence in mathematics and if the course is not used to
4 satisfy any part of the requirement set forth in Paragraph (3)
5 of that subsection; and

6 (2) one of the units in science required by
7 Paragraph (3) of Subsection J of this section may comprise a
8 computer science course if taken after the student demonstrates
9 competence in science and if the course is not used to satisfy
10 any part of the requirement set forth in Paragraph (2) of that
11 subsection.

12 M. For students entering the ninth grade in the
13 2024-2025 school year, European Holocaust education and
14 genocide studies shall be offered as an elective.

15 [~~M.~~] N. Final examinations shall be administered to
16 all students in all classes offered for credit.

17 [~~N.~~] O. Until July 1, 2010, a student who has not
18 passed a state graduation examination in the subject areas of
19 reading, English, mathematics, writing, science and social
20 science shall not receive a high school diploma. The state
21 graduation examination on social science shall include a
22 section on the constitution of the United States and the
23 constitution of New Mexico. If a student exits from the school
24 system at the end of grade twelve without having passed a state
25 graduation examination, the student shall receive an

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1 appropriate state certificate indicating the number of credits
2 earned and the grade completed. If within five years after a
3 student exits from the school system the student takes and
4 passes the state graduation examination, the student may
5 receive a high school diploma. Any student passing the state
6 graduation examination and completing all other requirements
7 within five years of entering ninth grade, including a final
8 summer session if completed by August 1, may be counted by the
9 school system in which the student is enrolled as a high school
10 graduate for the year in which completion and examination
11 occur.

12 ~~[0-]~~ P. Beginning with the 2010-2011 school year, a
13 student shall not receive a New Mexico diploma of excellence if
14 the student has not demonstrated competence in the subject
15 areas of mathematics, reading and language arts, writing,
16 social studies and science, including a section on the
17 constitution of the United States and the constitution of New
18 Mexico, based on a standards-based assessment or assessments or
19 a portfolio of standards-based indicators established by the
20 department by rule. The standards-based assessments required
21 in Section 22-2C-4 NMSA 1978 may also serve as the assessment
22 required for high school graduation. If a student exits from
23 the school system at the end of grade twelve without having
24 satisfied the requirements of this subsection, the student
25 shall receive an appropriate state certificate indicating the

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1 number of credits earned and the grade completed. If within
2 five years after a student exits from the school system the
3 student satisfies the requirements of this subsection, the
4 student may receive a New Mexico diploma of excellence. Any
5 student satisfying the requirements of this subsection and
6 completing all other requirements within five years of entering
7 ninth grade, including a final summer session if completed by
8 August 1, may be counted by the school system in which the
9 student is enrolled as a high school graduate for the year in
10 which all requirements are satisfied.

11 ~~[P-]~~ Q. As used in this section:

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

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

23 (3) "career cluster" means a grouping of
24 occupations in industry sectors based on recognized
25 commonalities that provide an organizing tool for developing

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1 instruction within the educational system;

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

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

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

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

21 (a) advanced placement or honors
22 courses;

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

25 (c) distance learning courses;

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- 1 (d) career-technical courses; and
- 2 (e) pre-apprenticeship programs.

3 [~~Q-~~] R. The secretary may establish a policy to
4 provide for administrative interpretations to clarify
5 curricular and testing provisions of the Public School Code."

6 **SECTION 9. EFFECTIVE DATE.**--The effective date of the
7 provisions of this act is July 1, 2023.

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