

The SIECUS State Profiles



NEW MEXICO

NEW MEXICO'S SEX ED SNAPSHOT

THE STATE OF SEX EDUCATION

Advocates have faced significant challenges in advancing sex education in New Mexico in recent years. In 2019, legislators sought to advance sex education through the introduction of two bills. [House Bill 133](#), introduced by Representative Elizabeth Thomson, sought to require curriculum to include instruction on the prevention and awareness of sexual abuse and assault, including instruction on affirmative consent. [Senate Bill 540](#), introduced by Representative William Soules, sought to allocate funding to investigate accountability with statutory measures regarding sex education in public schools. While both bills ultimately failed, advocates are taking additional measures to advance sex education in New Mexico, including introducing a comprehensive sex education bill during New Mexico's 2020 legislative session.

Advocates report that meetings are currently underway to discuss topics related to teen pregnancy in the state, which may indicate future efforts to improve access to more comprehensive sex education. Further, New Mexico is currently in the third year of a five-year grant focused on reducing LGBTQ adolescent suicide and the research group is working with 41 schools to improve school climates. One of the groups' strategies is to provide educators with training and curriculum to develop inclusive sex education instruction. This research is an important step to develop evidence on [the role](#) that affirming and inclusive curriculum and school environments can play in improving the mental health of LGBTQ young people.

It is also reported that a growing number of school districts have begun implementing comprehensive sex education, and an increasing number of young people have participated in comprehensive sex education programs across the state. However, since New Mexico schools are only required to provide instruction on HIV/AIDS, pregnancy prevention, cultural portrayals of gender, and healthy relationships, school districts are largely left to decide what additional curriculum they provide to youth. Although students must complete a half credit of health education to graduate in New Mexico, advocates report that the lack of accountability measures make it difficult to ensure that each district is in compliance with this requirement.

Mandating local control over sex education presents unique challenges that have resulted in a glaring disparity regarding the quality of sex education that students receive. Such discretion allows for the implementation of policies and curriculum that stigmatize marginalized youth, such as students of color and LGBTQ youth, and presents further challenges in ensuring that low income districts have access to the resources needed to implement comprehensive sex education. Young people of color, and Hispanic, Native, and Black youth in particular face [increased rates](#) of adverse health outcomes in New Mexico, including disproportionate infection rates of chlamydia. This demonstrates the critical need for advanced, culturally responsive sex education that considers the unique needs of young people of color.

While some school districts, such as Santa Fe Public Schools, provide an advanced week-long sex education program to their middle school students, advocates report that other schools are increasingly relying on crisis pregnancy centers (CPCs) to deliver instruction—especially in more rural districts. CPCs, also known as fake health centers, attract individuals trying to access reputable reproductive health care and provide them with false, manipulative information about abortion care. Unfortunately, crisis pregnancy centers have increasingly received federal funding to deliver abstinence-only instruction [nationwide](#). Advocates also report that sexual orientation and gender identity are among the least common topics taught in sex education courses in New Mexico.

Advocates, such as Planned Parenthood of the Rocky Mountains, provide sex education in schools in addition to parent and teacher trainings across the state. In Fiscal Year 2019, Planned Parenthood of the Rocky Mountains successfully provided over 12,000 students with sex education, over 100 parents with training, and answered nearly 500 questions through a sexual health hotline for teenagers.

Right now, advocates can take action to ensure young people in their community have access to quality sex education. After identifying what topics are missing from local sex education requirements, advocates can vocalize the importance of implementing specific elements of comprehensive sex education, such as trauma informed, culturally responsive curriculum that addresses the needs of youth of color. Advocates can also focus on specific topics such as consent, sexual orientation and gender identity, or contraceptive options, or emphasizing the importance of requiring curriculum to be evidence based and medically accurate.

Actively addressing misinformation about what is included in comprehensive sex education also helps to destigmatize discussion of sexuality in communities.. Further, advocates can contact their representatives to discuss the critical need for improving sex education requirements and increasing funding to support the implementation of curriculum and healthcare services. Advocates are encouraged to use the [SIECUS Community Action Toolkit](#) to guide local efforts to advance sex education.

STATE SEX EDUCATION POLICIES AND REQUIREMENTS AT A GLANCE

- New Mexico schools are required to teach sex education as part of their health education requirement.
 - Curriculum is not required to be comprehensive.
 - Curriculum must stress abstinence.
- Curriculum is not required to include instruction on sexual orientation or gender identity.
- Curriculum is not required to include instruction on consent.
- Parents and guardians can request to remove their student from sex education instruction. [This is referred to as an “opt-out” policy.](#)
- New Mexico has no standard regarding medically accurate sex education curriculum.

STATE HOUSE HIGHLIGHTS

This section highlights sex education bills that were introduced during the 2019 state legislative session as well as bills that have been introduced thus far in 2020. These proposed bills provide a brief overview of both recent and current legislative action taken to advance or restrict sex education. For a more comprehensive look at relevant legislation concerning sex education and related topics such as reproductive health care, LGBTQ rights, and HIV/AIDS, continue reading on to the “State Legislative Activity” section of New Mexico’s profile.

2019 Legislative Session

House Bill 133, (failed):

- Sought to require sex education to include instruction on the prevention and awareness of sexual abuse and assault, including instruction on affirmative consent.

Senate Bill 540, (failed):

- Sought to allocate \$200,000 to investigate accountability with statutory measures regarding sex education in public schools.

MORE ON SEX ED IN NEW MEXICO

STATE LAW

[New Mexico Administrative Codes §§ 6.12.2.10, 6.29.6.8, and 22-13-1.1.1](#) mandate that schools must teach a course in health education in either middle or high school. Each school district must “provide instruction about [human immunodeficiency virus] (HIV) and related issues in the curriculum of the required health education content area to all students in the elementary grades, in the middle/junior high school grades, and in the senior high school grades.” This instruction must include “ways to reduce the risk of getting HIV/[acquired immunodeficiency syndrome] (AIDS), stressing abstinence.” Outcomes of such instruction should include the “ability to demonstrate refusal skills, overcome peer pressure, and use decision-making skills.”

Educational materials and the grade levels at which they are introduced are determined by local school districts. All instruction must be age-appropriate. Local school boards must “ensure the involvement of parents, staff, and students in the development of policies and the review of instructional materials.” The state neither suggests curriculum nor limits what may or may not be included in sex education instruction.

[New Mexico Administrative Code 6.29.6.3](#) requires schools to adopt the [academic content and performance standards](#) and to measure the performance in public schools.”

STATE STANDARDS

The [Health Education Content Standards](#) include “abstinence education” instruction beginning in [grades 3 and 4](#). Beginning in [grades 7 and 8](#), performance standards in health education include understanding “how healthy alternatives can replace unhealthy behaviors (i.e., abstinence, condom use, [and] other pregnancy prevention methods).” Students in [grades 9 through 12](#) are to demonstrate knowledge of pregnancy prevention that includes various methods of contraception, such as hormonal methods and the proper use of condoms. The curriculum also covers strategies for maintaining healthy relationships and resolving harmful behaviors in relationships. The impact of cultural and media portrayals of gender roles is included as a topic of discussion as well.

The standards state that each school district must have a policy allowing parents to “request that their child be exempted from the parts of the health education curriculum that address the sexuality performance standards.” Alternative lessons must be created for exempted students. [This is referred to as an “opt-out” policy](#). Local school boards must include parents, staff, and students in developing their own opt-out policy.

STATE LEGISLATIVE ACTIVITY

State legislative activity related to sex education does not take place in isolation from the broader embroiled political and policy climate. Attacks on the rights of lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ) individuals, and efforts to limit access to abortion care and other reproductive health care services prevent students from receiving comprehensive sex education and accessing sexual and reproductive health care services. Below are highlights of current legislative activity related to these topics. In this section, we will highlight current legislative activity related to these topics.

2020 SESSION: CONVENED JANUARY 21, 2020

TITLE	DESCRIPTION	STATUS
HOUSE BILL 208	PROHIBITS ABORTION AFTER 20 WEEKS IF THE FETUS IS CONSIDERED VIABLE UNLESS AN ABORTION IS NECESSARY TO SAVE THE LIFE OF A PATIENT.	INTRODUCED IN THE HOUSE
HOUSE BILL 210	PARENTS MUST BE INFORMED 48 HOURS BEFORE THEIR CHILD, IF A MINOR, HAS AN ABORTION EXCEPT IN CASES OF SEXUAL ASSAULT, RAPE, OR INCEST.	INTRODUCED IN THE HOUSE

2019 SESSION: ADJOURNED MARCH 16, 2019

TITLE	DESCRIPTION	STATUS
HOUSE BILL 133	REQUIRES SCHOOLS TO PROVIDE INSTRUCTION ON THE PREVENTION AND AWARENESS OF SEXUAL ABUSE AND ASSAULT THAT INCLUDES INSTRUCTION ON AFFIRMATIVE CONSENT.	FAILED TO PASS THE SENATE
HOUSE BILL 608	PERMITS HEALTH FACILITIES TO REFUSE TO ADMIT A PATIENT FOR THE PURPOSE OF PERFORMING AN ABORTION.	DIED IN THE HOUSE COMMITTEE ON HOUSE CONSUMER & PUBLIC AFFAIRS
SENATE BILL 540	ALLOCATES \$200,000 TO INVESTIGATE ACCOUNTABILITY WITH STATUTORY MEASURES REGARDING SEX EDUCATION IN PUBLIC SCHOOLS.	DIED IN THE SENATE COMMITTEE ON EDUCATION

LEGISLATIVE KEY

SEX EDUCATION
REPRODUCTIVE HEALTH CARE
SEXUAL ORIENTATION AND GENDER IDENTITY
HIV/AIDS (THAT IMPACTS YOUTH)

YOUTH SEXUAL HEALTH DATA

Young people are more than their health behaviors and outcomes. While data can be a powerful tool to demonstrate the sex education and sexual health care needs of young people, it is important to be mindful that these behaviors and outcomes are impacted by systemic inequities present in our society that affect an individual's sexual health and well-being. To learn more about New Mexico's Youth Risk Behavior Survey (YRBS) results, [click here](#).

STATE SCHOOL HEALTH PROFILES DATA

In 2019, the Centers for Disease Control and Prevention (CDC) released the School Health Profiles, which measure school health policies and practices and highlight which health topics were taught in schools across the country. Since the data were collected from self-administered questionnaires completed by schools' principals and lead health education teachers, the CDC notes that one limitation of the School Health Profiles is bias toward the reporting of more positive policies and practices. In the School Health Profiles, the [CDC identifies 20 sexual health education topics](#) as critical for ensuring a young person's sexual health. Below are key instruction highlights for secondary schools in New Mexico as [reported](#) for the 2017–2018 school year.

Reported teaching all 20 critical sexual health education topics

- 35.5% of New Mexico secondary schools taught students all 20 critical sexual health education topics in a required course in any of grades 6, 7, or 8.
- 53.2% of New Mexico secondary schools taught students all 20 critical sexual health education topics in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about the benefits of being sexually abstinent

- 71.7% of New Mexico secondary schools taught students about the benefits of being sexually abstinent in a required course in any of grades 6, 7, or 8.
- 85.6% of New Mexico secondary schools taught students about the benefits of being sexually abstinent in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy

- 69.8% of New Mexico secondary schools taught students how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy in a required course in any of grades 6, 7, or 8.
- 86.5% of New Mexico secondary schools taught students how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to create and sustain healthy and respectful relationships

- 72.9% of New Mexico secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 6, 7, or 8.
- 86.4% of New Mexico secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about preventive care that is necessary to maintain reproductive and sexual health

- 66.5% of New Mexico secondary schools taught students about preventive care that is necessary to maintain reproductive and sexual health in a required course in any of grades 6, 7, or 8.
- 85.5% of New Mexico secondary schools taught students about preventive care that is necessary to maintain reproductive and sexual health in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to correctly use a condom

- 45.7% of New Mexico secondary schools taught students how to correctly use a condom in a required course in any of grades 6, 7, or 8.
- 69.2% of New Mexico secondary schools taught students how to correctly use a condom in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about methods of contraception other than condoms

- 56.7% of New Mexico secondary schools taught students about methods of contraception other than condoms in a required course in any of grades 6, 7, or 8.
- 81.6% of New Mexico secondary schools taught students about methods of contraception other than condoms in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about sexual orientation

- 51.1% of New Mexico secondary schools taught students about sexual orientation in a required course in any of grades 6, 7, or 8.
- 70.3% of New Mexico secondary schools taught students about sexual orientation in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about gender roles, gender identity, or gender expression

- 54.5% of New Mexico secondary schools taught students about gender roles, gender identity, or gender expression in a required course in any of grades 6, 7, or 8.
- 69.6% of New Mexico secondary schools taught students about gender roles, gender identity, or gender expression in a required course in any of grades 9, 10, 11, or 12.

Reported providing curricula or supplementary materials relevant to lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth

- 45.9% of New Mexico secondary schools provided students with curricula or supplementary materials that included HIV, STD, or pregnancy prevention information relevant to LGBTQ youth.

Visit the CDC's [School Health Profiles](#) report for additional information on school health policies and practices.

The quality of sex education taught often reflects funding available for sex education programs.

To learn more about federal funding streams, [click here](#).