

State Profiles

New Mexico State Profile



New Mexico's State of Sex Ed

New Mexico schools **are** required to teach sex education as part of their health education requirement.

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Requirement

D+

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More on Sex Ed

Bill Tracker

Current Requirement

- Curriculum is required to 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 regulation regarding medically accurate sex education curriculum.

RECENT LEGISLATION SHAPING THE STATE LANDSCAPE

Advocates report that a growing number of school districts have begun implementing sex education, and an increasing number of young people have participated in 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 know if each district is offering sex education through this format despite sex education being a crucial component of holistic health education.

Local control over sex education presents unique challenges that have resulted in a glaring disparity regarding the quality of sex education that students

receive. Local control allows districts to implement policies and curriculum that stigmatize marginalized youth, such as students of color and LGBTQAI+ youth. Young people of color, and Hispanic, Native, and Black youth in particular face increased rates of adverse health outcomes in New Mexico. In addition, advocates report that some schools continue to rely on crisis pregnancy centers (CPCs) to deliver instruction—especially in more rural districts. CPCs trick individuals trying to access reputable reproductive health care and instead, 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.

Right now, advocates can take action to ensure all 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 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 sex education also helps to destigmatize discussion of sexuality in communities. Advocates are encouraged to take action on pending legislation that seeks to advance or restrict the principles of sex education. For a current overview of pending legislation, see table below. Additionally, reach out to [EducateUs](#) to get connected to local advocacy groups. 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.

[More on sex ed in New Mexico...](#)

State Law: A Closer Look

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 Legislation

State legislative activity related to sex education does not take place in isolation from the broader embroiled political and policy climate. In 2022, a national wave of attacks on the rights of lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQAI+) individuals, attempts to restrict or prohibit instruction on “divisive concepts” such as “Critical Race Theory” (which is not taught in public schools), and efforts to limit access to abortion care and other reproductive healthcare services swept the country in an effort to prevent students from receiving sex education and accessing sexual and reproductive healthcare services. Below are highlights of current legislative activity related to these topics. **New Mexico’s 2023 annual session convenes on January 17, 2023.**

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](#). At the time of publication, the 2021 YRBS data was not made available yet.

New Mexico School Health Profiles Data

In 2022, 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 22 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 2019–2020 school year.

Reported teaching all 22 critical sexual health education topics

- 31.2% of New Mexico secondary schools taught students all 22 critical sexual health education topics in a required course in any of grades 6, 7, or 8.
- 67.0% of New Mexico secondary schools taught students all 22 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

- 61.8% 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.
- 88.9% 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

- 61.8% 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.
- 90.0% 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

- 62.4% of New Mexico secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 6, 7, or 8.
- 89.9% of New Mexico secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 9, 10, 11, or 12.

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

- 61.8% 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.
- 89.9% 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

- 40.4% 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.
- 76.3% 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

- 55.9% 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.
- 85.8% 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 and gender identity

- 53.5% of New Mexico secondary schools taught students about sexual orientation and gender identity in a required course in any of grades 6, 7, or 8.
- 77.8 % of New Mexico secondary schools taught students about sexual orientation and gender identity in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about how gender roles and stereotypes affect goals, decision-making, and relationships

- 55.2% of New Mexico secondary schools taught students about gender roles and stereotypes in a required course in any of grades 6, 7, or 8.

- 79.5% of New Mexico secondary schools taught students about gender roles and stereotypes 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

- 60.3% 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](#).

