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SENATE BILL 357

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Daniel A. Ivey-Soto and Nora Espinoza

AN ACT

REPLACING THE TERMS "GENERAL EDUCATION DIPLOMA", "GENERAL EDUCATION DEVELOPMENT CERTIFICATE", "GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE", "CERTIFICATE OF GENERAL EQUIVALENCY", "GENERAL EQUIVALENCY DIPLOMA CERTIFICATE", "GED CERTIFICATE", "HIGH SCHOOL EQUIVALENCY DIPLOMA", "CERTIFICATE OF EQUIVALENCY" AND "GENERAL EQUIVALENCY DIPLOMA" WITH THE TERM "HIGH SCHOOL EQUIVALENCY CREDENTIAL".

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

SECTION 1. Section 21-1-1 NMSA 1978 (being Laws 1912, Chapter 83, Section 2, as amended) is amended to read:

"21-1-1. STATE INSTITUTIONS--ADMISSION REQUIREMENTS TO BE ESTABLISHED BY BOARDS OF REGENTS.--

A. The respective boards of regents of New Mexico state university, New Mexico institute of mining and

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1 technology, the university of New Mexico and the New Mexico
2 military institute at Roswell shall determine and fix the
3 standard of requirements for admission to their respective
4 institutions.

5 B. In determining the standard of requirements for
6 admission to their respective institutions, boards of regents
7 shall not require a student who has completed the requirements
8 of a home-based or nonpublic school educational program and who
9 has submitted test scores that otherwise qualify ~~[him]~~ the
10 student for admission to that institution to obtain or submit
11 proof of having obtained a ~~[general education development~~
12 ~~certificate]~~ high school equivalency credential. In
13 determining requirements for admission, boards of regents shall
14 evaluate and treat applicants from home-based educational
15 programs or nonpublic schools fairly and in a nondiscriminatory
16 manner."

17 SECTION 2. Section 21-1-1.1 NMSA 1978 (being Laws 1999,
18 Chapter 182, Section 1) is amended to read:

19 "21-1-1.1. HOME SCHOOL STUDENTS--ADMISSION REQUIREMENTS--
20 PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTIONS.--In determining
21 the standard of requirements for admission to any public
22 post-secondary educational institution, the board of regents,
23 governing board or community college board shall not require a
24 student who has completed the requirements of a home-based or
25 nonpublic school educational program and who has submitted test

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1 scores that otherwise qualify ~~[him]~~ the student for admission
2 to that institution to obtain or submit proof of having
3 obtained a ~~[general]~~ high school equivalency ~~[diploma~~
4 ~~certificate]~~ credential. In determining requirements for
5 admission, the board of regents, governing board or community
6 college board shall evaluate and treat applicants from home-
7 based or nonpublic educational programs fairly and in a
8 nondiscriminatory manner."

9 SECTION 3. Section 21-1-1.2 NMSA 1978 (being Laws 2007,
10 Chapter 227, Section 1, as amended) is amended to read:

11 "21-1-1.2. DUAL CREDIT FOR HIGH SCHOOL AND POST-SECONDARY
12 CLASSES.--

13 A. As used in this section:

14 (1) "bureau of Indian education school" means
15 a school located in New Mexico that is under the control of the
16 bureau of Indian education of the United States department of
17 the interior;

18 (2) "dual credit course" means a post-
19 secondary course that may be academic or career-technical but
20 not remedial or developmental and specified in a rule
21 promulgated pursuant to Paragraph (1) of Subsection G of this
22 section for which a student simultaneously earns credit toward
23 high school graduation and a post-secondary degree or
24 certificate;

25 (3) "dual credit program" means a program

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1 offered by a public post-secondary educational institution or
2 tribal college that allows high school students to enroll in
3 dual credit courses;

4 (4) "high school" means a school offering one
5 or more of grades nine through twelve or their equivalent and
6 that is a school district, charter school, state-supported
7 school, bureau of Indian education school, private school or
8 home school; and

9 (5) "tribal college" means a tribally,
10 federally or congressionally chartered post-secondary
11 educational institution located in New Mexico that is
12 accredited by the north central association of colleges and
13 schools.

14 B. To be eligible to participate in a dual credit
15 program, the student shall be a school-age person as that term
16 is defined in the Public School Code and:

17 (1) except as provided in Subsection C of this
18 section, be enrolled in a school district, charter school or
19 state-supported school in one-half or more of the minimum
20 course requirements approved by the public education department
21 for public school students or, if a student in a bureau of
22 Indian education school, private school or home school, be
23 receiving at least one-half of the student's instruction at the
24 student's high school; and

25 (2) obtain permission from the student's

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1 school counselor, school principal or head administrator of
2 the high school that the student primarily attends prior to
3 enrolling in a dual credit course.

4 C. A student who has met the eligibility criteria
5 provided for in Subsection B of this section in a fall or
6 winter semester and who has not graduated or earned a [~~general~~
7 ~~educational development certificate~~] high school equivalency
8 credential may take courses for dual credit during the
9 immediately succeeding summer semester.

10 D. The high school that the student primarily
11 attends shall pay the cost of the required textbooks and other
12 course supplies for the post-secondary course the student is
13 enrolled in through purchase arrangements with the bookstore at
14 the public post-secondary educational institution or tribal
15 college or through other cost-efficient methods. The student
16 shall return the textbooks and unused course supplies to the
17 high school when the student completes the course or withdraws
18 from the course.

19 E. A public post-secondary educational institution
20 or tribal college that participates in a dual credit program
21 shall waive all general fees for dual credit courses.

22 F. The higher education department shall revise
23 procedures in the higher education funding formula to address
24 enrollments in dual credit courses and to encourage
25 institutions to waive tuition for high school students taking

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1 those courses.

2 G. The higher education department and the public
3 education department shall adopt and promulgate rules to
4 implement a dual credit program that specify:

5 (1) post-secondary courses that are eligible
6 for dual credit;

7 (2) conditions that apply, including:

8 (a) the required academic standing and
9 conduct of students enrolled in dual credit courses;

10 (b) the semesters in which dual credit
11 courses may be taken;

12 (c) the nature of high school credit
13 earned;

14 (d) any caps on the number of courses,
15 location of courses and provision of transcripts; and

16 (e) an appeals process for a student who
17 is denied permission to enroll in a dual credit course;

18 (3) accommodations or other arrangements
19 applicable to special education students;

20 (4) the contents of the uniform master
21 agreement that govern the roles, responsibilities and
22 liabilities of the high school, the public post-secondary
23 educational institution or tribal college and the student and
24 the student's family;

25 (5) provisions for expanding dual credit

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1 opportunities through distance learning and other methods;

2 (6) the means by which school districts,
3 charter schools and state-supported schools are required to
4 inform students and parents about opportunities to participate
5 in dual credit programs during student advisement, academic
6 support and formulation of annual next step plans, as well as
7 other methods; and

8 (7) provisions for collecting and
9 disseminating annual data, including:

10 (a) the number of students taking dual
11 credit courses;

12 (b) the participating high schools,
13 public post-secondary educational institutions and tribal
14 colleges;

15 (c) the courses taken and grades earned;

16 (d) the high school graduation rates for
17 participating school districts, charter schools and state-
18 supported schools;

19 (e) the public post-secondary
20 educational institutions and tribal colleges that participating
21 students ultimately attend; and

22 (f) the cost of providing dual credit
23 courses.

24 H. The higher education department and the public
25 education department shall evaluate the dual credit program in

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1 terms of its accessibility to students statewide and its effect
2 on:

3 (1) student achievement in secondary
4 education;

5 (2) student enrollment and completion of
6 higher education; and

7 (3) high schools, public post-secondary
8 educational institutions and tribal colleges.

9 I. The departments shall make an annual report,
10 including recommendations, to the governor and the legislative
11 education study committee.

12 J. The provisions of this section do not apply to
13 the New Mexico military institute."

14 SECTION 4. Section 21-1-4.6 NMSA 1978 (being Laws 2005,
15 Chapter 348, Section 1) is amended to read:

16 "21-1-4.6. NONDISCRIMINATION POLICY FOR ADMISSION TO ANY
17 PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTION--
18 NONDISCRIMINATION IN ELIGIBILITY FOR EDUCATION BENEFITS.--

19 A. A public post-secondary educational institution
20 shall not deny admission to a student on account of the
21 student's immigration status.

22 B. Any tuition rate or state-funded financial aid
23 that is granted to residents of New Mexico shall also be
24 granted on the same terms to all persons, regardless of
25 immigration status, who have attended a secondary educational

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1 institution in New Mexico for at least one year and who have
2 either graduated from a New Mexico high school or received a
3 [~~general educational development certificate~~] high school
4 equivalency credential in New Mexico."

5 SECTION 5. Section 21-1-43 NMSA 1978 (being Laws 2009,
6 Chapter 7, Section 1) is amended to read:

7 "21-1-43. FIRST YEAR OF COLLEGE OUTCOMES OF NEW MEXICO
8 PUBLIC HIGH SCHOOL GRADUATES--ANNUAL REPORTS.--

9 A. Upon request from a public high school or school
10 district superintendent in New Mexico, a public post-secondary
11 educational institution shall provide a report of students who
12 enroll in the institution within three years of graduating from
13 that high school or leaving that high school without enrolling
14 in another high school or earning a [~~general educational~~
15 ~~development certificate~~] high school equivalency credential.
16 Information in the reports may be used by the high schools and
17 public post-secondary educational institutions to improve
18 instruction, student preparation and advisement.

19 B. The higher education department, in consultation
20 with the public education department and representatives of
21 public high schools and public post-secondary educational
22 institutions, shall prescribe the form of the reports. Reports
23 shall not include any personally identifiable student
24 information. The reports shall be designed to show advanced
25 placement by subject, total credits earned, grade point

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1 averages, retention from fall to spring semester of the first
2 year of college and frequency and patterns of remedial or
3 development courses being taken.

4 C. The higher education department shall be
5 provided with copies of the reports."

6 SECTION 6. Section 21-21L-3 NMSA 1978 (being Laws 2005,
7 Chapter 192, Section 3, as amended by Laws 2007, Chapter 70,
8 Section 2 and by Laws 2007, Chapter 71, Section 2 and also by
9 Laws 2007, Chapter 85, Section 2) is amended to read:

10 "21-21L-3. DEFINITIONS.--As used in the College
11 Affordability Act:

12 A. "commission" or "department" means the higher
13 education department;

14 B. "eligible student" means a New Mexico resident
15 who is enrolled or enrolling at least half-time in a public
16 post-secondary educational institution or tribal college at any
17 time later than one hundred twenty days following high school
18 graduation or the award of a [~~general educational development~~
19 ~~certificate~~] high school equivalency credential;

20 C. "scholarship" means a college affordability
21 scholarship; and

22 D. "tribal college" means a tribally, federally or
23 congressionally chartered post-secondary educational
24 institution located in New Mexico that is accredited by the
25 north central association of colleges and schools."

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1 SECTION 7. Section 22-1-9 NMSA 1978 (being Laws 2007,
2 Chapter 74, Section 1) is amended to read:

3 "22-1-9. HIGH SCHOOL DIPLOMA--RESIDENT MILITARY
4 DEPENDENTS.--

5 A. A New Mexico resident high school student who is
6 required to move out of state because the student's parent is a
7 member of the New Mexico national guard or a branch of the
8 armed forces of the United States and the parent is transferred
9 to an out-of-state location may receive a New Mexico high
10 school diploma under the following conditions:

11 (1) the student was a New Mexico resident and
12 was regularly enrolled in a New Mexico high school prior to the
13 parent being transferred to an out-of-state location;

14 (2) the student's parent notified the school
15 district of the move and that the parent and student were
16 retaining their New Mexico residency;

17 (3) the student transferred to and immediately
18 enrolled in a high school at the new location and received high
19 school credits that meet or exceed New Mexico's requirements
20 for graduation; and

21 (4) the student has not graduated from high
22 school or received a diploma, [~~general educational development~~
23 ~~certificate~~] high school equivalency credential or any other
24 certification of high school completion or its equivalent.

25 B. A student who meets the conditions of Subsection
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1 A of this section may request the New Mexico school district
2 from which the student transferred to grant a high school
3 diploma. The student shall include with the request for a New
4 Mexico high school diploma:

5 (1) certification by the parent, and the
6 student if over the age of eighteen, that the parent and
7 student maintained their New Mexico residency;

8 (2) a transcript from the high school the
9 student attended and a description of the course units to be
10 transferred; and

11 (3) any other information the school district
12 requires to review the request.

13 C. The school district shall review the student's
14 high school transcript from the school the student transferred
15 to and determine if the courses and grades meet or exceed New
16 Mexico's requirements for graduation. If the transcript meets
17 New Mexico standards, the school district shall grant the
18 student a high school diploma."

19 **SECTION 8.** Section 22-1-11 NMSA 1978 (being Laws 2010,
20 Chapter 112, Section 1) is amended to read:

21 "22-1-11. EDUCATIONAL DATA SYSTEM.--

22 A. As used in this section:

23 (1) "council" means the data system council;

24 (2) "data system" means the unified pre-
25 kindergarten through post-graduate education accountability

1 data system;

2 (3) "data system partners" means the public
3 education department and the higher education department;

4 (4) "educational agencies" means other public
5 agencies and institutions that provide educational services for
6 resident school-age persons and children in state-funded
7 private pre-kindergarten programs; and

8 (5) "pre-kindergarten through post-graduate
9 system" means an integrated, seamless pre-kindergarten through
10 post-graduate system of education.

11 B. The data system partners, in consultation with
12 the council, shall establish a data system, the purpose of
13 which is to:

14 (1) collect, integrate and report longitudinal
15 student-level and educator data required to implement federally
16 or state-required education performance accountability
17 measures;

18 (2) conduct research and evaluation regarding
19 federal, state and local education and training programs at all
20 levels; and

21 (3) audit and ensure compliance of those
22 programs with applicable federal or state requirements.

23 C. The components of the data system shall include
24 the use of a common student identifier for the pre-kindergarten
25 through post-graduate system and an educator identifier, both

1 of which may include additional identifiers, with the ability
2 to match educator data to student data and educator data to
3 data from schools, post-secondary education programs and other
4 educational agencies.

5 D. The data system partners shall convene a "data
6 system council" made up of the following members:

7 (1) the secretary of public education or the
8 secretary's designee;

9 (2) the secretary of higher education or the
10 secretary's designee;

11 (3) the secretary of children, youth and
12 families or the secretary's designee;

13 (4) the secretary of workforce solutions or
14 the secretary's designee;

15 (5) the secretary of economic development or
16 the secretary's designee;

17 (6) the secretary of information technology or
18 the secretary's designee;

19 (7) the secretary of human services or the
20 secretary's designee;

21 (8) the secretary of health or the secretary's
22 designee;

23 (9) the director of the office of education
24 accountability or the director's designee;

25 (10) the director of the public school

1 facilities authority or the director's designee;

2 (11) a representative from the office of the
3 governor;

4 (12) the presidents or their designees of one
5 research university, one four-year comprehensive university,
6 two branch colleges and two independent community colleges;
7 provided that the presidents shall be selected by the data
8 system partners in collaboration with organizations that
9 represent the presidents of those institutions;

10 (13) at least six public school
11 superintendents or their designees; provided that the
12 appointments by the data system partners shall be made so that
13 small, medium and large school districts are equally
14 represented on the council at all times;

15 (14) at least three charter school
16 administrators or their designees appointed by the data system
17 partners;

18 (15) the director of the legislative education
19 study committee or the director's designee; and

20 (16) the director of the legislative finance
21 committee or the director's designee.

22 E. The council shall:

23 (1) meet at least four times each calendar
24 year;

25 (2) create a management plan that assigns

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1 authority and responsibility for the operation of the data
2 system among the educational agencies whose data will be
3 included in the data system;

4 (3) assist the educational agencies whose data
5 will be included in the data system in developing interagency
6 agreements to:

7 (a) enable data to be shared across and
8 between the educational agencies;

9 (b) define appropriate uses of data;

10 (c) assure researcher access to data;

11 (d) assure the security of the data
12 system;

13 (e) ensure that the educational system
14 agencies represented on the council, the legislative education
15 study committee, the legislative finance committee and other
16 users, as appropriate, have access to the data system; and

17 (f) ensure the privacy of any person
18 whose personally identifiable information is contained in the
19 data system;

20 (4) develop a strategic plan for the data
21 system; and

22 (5) create policies that ensure users have
23 prompt and reasonable access to reports generated from the data
24 system, including:

25 (a) identification of categories of data

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1 system users based on security level;

2 (b) descriptions of the reports that the
3 data system is capable of generating on demand; and

4 (c) definitions of the most timely
5 process by which users may retrieve other reports without
6 compromising the security of the data system or the privacy of
7 any person whose personally identifiable information is
8 contained in the data system.

9 F. The data system strategic plan shall include:

10 (1) the development of policy and practical
11 goals, including time lines and budget goals, that are to be
12 met through the implementation of the data system; and

13 (2) the training and professional development
14 that the data system partners will provide to users who will be
15 analyzing, accessing or entering data into the data system.

16 G. The confidentiality of personally identifiable
17 student and educator data shall be safeguarded consistent with
18 the requirements of state and federal law. To the extent
19 permitted by the data system partners in conformance with state
20 and federal law, public entities participating in the data
21 system may:

22 (1) disclose or redisclose data for
23 educational purposes and longitudinal comparisons, analyses or
24 studies, including those authorized by law;

25 (2) enter into agreements with other

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1 organizations for research studies to improve instruction for
2 the benefit of local educational agencies, public schools and
3 post-secondary educational institutions, subject to safeguards
4 to ensure that the research organization uses the student
5 records only for the authorized study purposes; and

6 (3) disclose education records to a student's
7 former secondary school or school district upon request solely
8 for purposes of evaluation or accountability for its programs.

9 H. Nothing in this section precludes the data
10 system partners, in consultation with school districts, charter
11 schools and public post-secondary educational institutions,
12 from collecting and distributing aggregate data about students
13 or educators or data about an individual student or educator
14 without personally identifiable information.

15 I. The data system partners, in consultation with
16 school districts, charter schools and public post-secondary
17 educational institutions, shall jointly adopt rules to carry
18 out the provisions of this section, including security
19 administration requirements and the provision of training for
20 data entry personnel at all levels.

21 J. By December 31 of each year, the data system
22 partners shall submit a data system status report to the
23 legislature and to the governor. Prior to submission and
24 publication of the report referred to in Subsection K of this
25 section, the data system partners shall distribute a draft of

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1 the report to school districts, charter schools and all public
2 post-secondary educational institutions to allow comment on the
3 draft report.

4 K. The data system partners, in consultation with
5 school districts, charter schools and public post-secondary
6 educational institutions, shall develop and adopt the content
7 and a format for the report, including the ability of the data
8 system to:

9 (1) connect student records from pre-
10 kindergarten through post-graduate education;

11 (2) connect public school educator data to
12 student data;

13 (3) match individual public school students'
14 test records from year to year to measure academic growth,
15 including student-level college and career readiness test
16 scores;

17 (4) report the number and percentage of
18 untested public school students by school district and by
19 school and by major ethnic group, special education status,
20 poverty status and gender;

21 (5) report high school longitudinal graduation
22 and dropout data, including information that distinguishes
23 between dropouts or students whose whereabouts are unknown and
24 students who have transferred to other schools, including
25 private schools or home schools, other school districts or

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1 other states;

2 (6) provide post-secondary remediation data,
3 including assessment scores on exams used to determine the need
4 for remediation;

5 (7) provide post-secondary remedial course
6 enrollment history, including the number and type of credit and
7 noncredit remedial courses being taken;

8 (8) report post-secondary retention data that
9 indicate whether students are returning the second fall term
10 after being enrolled as full-time first-time degree-seeking
11 students;

12 (9) report to New Mexico public high schools
13 on their students who enroll in a public post-secondary
14 educational institution within three years of graduating or
15 leaving the high school regarding freshman-year outcomes;

16 (10) provide post-secondary student completion
17 status, including information that indicates if students are
18 making annual progress toward their degrees;

19 (11) include data regarding students who have
20 earned a [~~general educational development certificate~~] high
21 school equivalency credential in reporting post-secondary
22 outcomes;

23 (12) report data collected for the educator
24 accountability reporting system;

25 (13) report pre-kindergarten through post-

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1 graduate student-level enrollment data, demographic information
2 and program participation information;

3 (14) report pre-kindergarten through post-
4 graduate student-level transcript information, including
5 information on courses completed, grades earned and cumulative
6 grade point average;

7 (15) connect performance with financial
8 information;

9 (16) establish and maintain a state data audit
10 system to assess the quality, validity and reliability of data;
11 and

12 (17) provide any other student-level and
13 educator data necessary to assess the performance of the pre-
14 kindergarten through post-graduate system."

15 SECTION 9. Section 22-2-8.8 NMSA 1978 (being Laws 1999,
16 Chapter 193, Section 1, as amended) is amended to read:

17 "22-2-8.8. HIGH SCHOOL EQUIVALENCY CREDENTIAL.--The
18 department shall issue a high school equivalency credential to
19 any candidate who is at least sixteen years of age and who has
20 successfully completed the high school equivalency credential
21 tests."

22 SECTION 10. Section 22-2C-11 NMSA 1978 (being Laws 2003,
23 Chapter 153, Section 20, as amended) is amended to read:

24 "22-2C-11. ASSESSMENT AND ACCOUNTABILITY SYSTEM
25 REPORTING--PARENT SURVEY--DATA SYSTEM--FISCAL INFORMATION.--

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1 A. The department shall:

2 (1) issue a state identification number for
3 each public school student for use in the accountability data
4 system;

5 (2) adopt the format for reporting individual
6 student assessments to parents. The student assessments shall
7 report each student's progress and academic needs as measured
8 against state standards;

9 (3) adopt the format for reporting annual
10 yearly progress of public schools, school districts, state-
11 chartered charter schools and the department. A school
12 district's report shall include reports of all locally
13 chartered charter schools in the school district. If the
14 department has adopted a state improving schools program, the
15 annual accountability report shall include the results of that
16 program for each public school. The annual accountability
17 report format shall be clear, concise and understandable to
18 parents and the general public. All annual accountability
19 reports shall ensure that the privacy of individual students is
20 protected;

21 (4) require that when public schools, school
22 districts, state-chartered charter schools and the state
23 disaggregate and report school data for demographic subgroups,
24 they include data disaggregated by ethnicity, race, limited
25 English proficiency, students with disabilities, poverty and

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1 gender; provided that ethnicity and race shall be reported
2 using the following categories:

- 3 (a) Caucasian, non-Hispanic;
- 4 (b) Hispanic;
- 5 (c) African American;
- 6 (d) American Indian or Alaska Native;
- 7 (e) Native Hawaiian or other Pacific
8 Islander;

- 9 (f) Asian;
- 10 (g) two or more races; and
- 11 (h) other; provided that if the sample
12 of students in any category enumerated in Subparagraphs (a)
13 through (g) of this paragraph is so small that a student in the
14 sample may be personally identifiable in violation of the
15 federal Family Educational Rights and Privacy Act of 1974, the
16 report may combine that sample into the "other" category;

17 (5) report cohort graduation data annually for
18 the state, for each school district and for each state-
19 chartered charter school and each public high school, based on
20 information provided by all school districts and state-
21 chartered charter schools according to procedures established
22 by the department; provided that the report shall include the
23 number and percentage of students in a cohort who:

- 24 (a) have graduated by August 1 of the
25 fourth year after entering the ninth grade;

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1 (b) have graduated in more than four
2 years, but by August 1 of the fifth year after entering ninth
3 grade;

4 (c) have received a state certificate by
5 exiting the school system at the end of grade twelve without
6 having satisfied the requirements for a high school diploma as
7 provided in Section 22-13-1.1 NMSA 1978 or completed all course
8 requirements but have not passed the graduation assessment or
9 portfolio of standards-based indicators pursuant to Section
10 22-13-1.1 NMSA 1978;

11 (d) have dropped out or whose status is
12 unknown;

13 (e) have exited public school and
14 indicated an intent to pursue a [~~general educational~~
15 ~~development certificate~~] high school equivalency credential; or

16 (f) are still enrolled in public school;

17 (6) report annually, based on data provided by
18 school districts and state-chartered charter schools, the
19 number and percentage of public school students in each cohort
20 in the state in grades nine through twelve who have advanced to
21 the next grade or graduated on schedule, who remain enrolled
22 but have not advanced to the next grade on schedule, who have
23 dropped out or whose other educational outcomes are known to
24 the department; and

25 (7) establish technical criteria and

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1 procedures to define which students are included or excluded
2 from a cohort.

3 B. Local school boards and governing boards of
4 charter schools may establish additional indicators through
5 which to measure the school district's or charter school's
6 performance in areas other than adequate yearly progress.

7 C. The school district's or state-chartered charter
8 school's annual accountability report shall include a report of
9 four- and five-year graduation rates for each public high
10 school in the school district or state-chartered charter
11 school. All annual accountability reports shall ensure that
12 the privacy of individual students is protected. As part of
13 the graduation rate data, the school district or state-
14 chartered charter school shall include data showing the number
15 and percentage of students in the cohort:

16 (1) who have received a state certificate by
17 exiting the school system at the end of grade twelve without
18 having satisfied the requirements for a high school diploma as
19 provided in Section 22-13-1.1 NMSA 1978 or completed all course
20 requirements but have not passed the graduation assessment or
21 portfolio of standards-based indicators pursuant to Section
22 22-13-1.1 NMSA 1978;

23 (2) who have dropped out or whose status is
24 unknown;

25 (3) who have exited public school and

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1 indicated an intent to pursue a [~~general educational~~
2 ~~development certificate~~] high school equivalency credential;

3 (4) who are still enrolled; and

4 (5) whose other educational outcomes are known
5 to the school district.

6 D. The school district's or state-chartered charter
7 school's annual accountability report shall include the results
8 of a survey of parents' views of the quality of their
9 children's school. The survey shall be conducted each year in
10 time to include the results in the annual accountability
11 report. The survey shall compile the results of a written
12 questionnaire that shall be sent home with the students to be
13 given to their parents. The survey may be completed
14 anonymously. The survey shall be no more than one page, shall
15 be clearly and concisely written and shall include not more
16 than twenty questions that shall be answered with options of a
17 simple sliding scale ranging from "strongly agree" to "strongly
18 disagree" and shall include the optional response "don't know".
19 The survey shall also include a request for optional written
20 comments, which may be written on the back of the questionnaire
21 form. The questionnaire shall include questions in the
22 following areas:

23 (1) parent-teacher-school relationship and
24 communication;

25 (2) quality of educational and extracurricular

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- 1 programs;
- 2 (3) instructional practices and techniques;
- 3 (4) resources;
- 4 (5) school employees, including the school
- 5 principal; and
- 6 (6) parents' views of teaching staff
- 7 expectations for the students.

8 E. The department shall develop no more than ten of

9 the survey questions, which shall be reviewed by the

10 legislative education study committee prior to implementation.

11 No more than five survey questions shall be developed by the

12 local school board or governing body of a state-chartered

13 charter school, and no more than five survey questions shall be

14 developed by the staff of each public school; provided that at

15 least one-half of those questions shall be developed by

16 teachers rather than school administrators, in order to gather

17 information that is specific to the particular community

18 surveyed. The questionnaires shall indicate the public school

19 site and shall be tabulated by the department within thirty

20 days of receipt and shall be returned to the respective schools

21 to be disseminated to all parents.

22 F. The school district's or state-chartered charter

23 school's annual accountability report shall be adopted by the

24 local school board or governing body of the state-chartered

25 charter school, shall be published no later than November 15 of

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1 each year and shall be published at least once each school year
2 in a newspaper of general circulation in the county where the
3 school district or state-chartered charter school is located.
4 In publication, the report shall be titled "The School District
5 Report Card" or "The Charter School Report Card" and
6 disseminated in accordance with guidelines established by the
7 department to ensure effective communication with parents,
8 students, educators, local policymakers and business and
9 community organizations.

10 G. The annual accountability report shall include
11 the names of those members of the local school board or the
12 governing body of the charter school who failed to attend
13 annual mandatory training.

14 H. The annual accountability report shall include
15 data on expenditures for central office administration and
16 expenditures for the public schools of the school district or
17 charter school.

18 I. The department shall create an accountability
19 data system through which data from each public school and each
20 school district or state-chartered charter school may be
21 compiled and reviewed. The department shall provide the
22 resources to train school district and charter school personnel
23 in the use of the accountability data system.

24 J. The department shall verify data submitted by
25 the school districts and state-chartered charter schools.

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1 K. At the end of fiscal year 2005, after the budget
2 approval cycle, the department shall produce a report to the
3 legislature that shows for all school districts using
4 performance-based program budgeting the relationship between
5 that portion of a school district's program cost generated by
6 each public school in the school district and the budgeted
7 expenditures for each public school in the school district as
8 reported in the district's performance-based program budget.
9 At the end of fiscal year 2006 and subsequent fiscal years,
10 after the budget approval cycle, the department shall report on
11 this relationship in all public schools in all school districts
12 in the state.

13 L. When all public schools are participating in
14 performance-based budgeting, the department shall recommend
15 annually to the legislature for inclusion in the general
16 appropriation act the maximum percentage of appropriations that
17 may be expended in each school district for central office
18 administration.

19 M. The department shall disseminate its statewide
20 accountability report to school districts and charter schools;
21 the governor, legislators and other policymakers; and business
22 and economic development organizations.

23 N. As used in this section, "cohort" means a group
24 of students who enter grade nine for the first time at the same
25 time, plus those students who transfer into the group in later

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1 years and minus those students who leave the cohort for
2 documented excusable reasons."

3 SECTION 11. Section 22-5-4.9 NMSA 1978 (being Laws 2003,
4 Chapter 113, Section 1) is amended to read:

5 "22-5-4.9. HIGH SCHOOL DIPLOMAS--WORLD WAR II VETERANS.--

6 A. Notwithstanding any other provision of the
7 Public School Code, a local school board may issue a high
8 school diploma to a World War II veteran who:

9 (1) is an honorably discharged member of the
10 armed forces of the United States;

11 (2) was scheduled to graduate from high school
12 after 1940 and before 1951;

13 (3) was a resident of New Mexico and attended
14 a high school in the locality of the current school district;
15 and

16 (4) left high school before graduation to
17 serve in World War II.

18 B. A local school board may issue a high school
19 diploma to a qualifying World War II veteran regardless of
20 whether the veteran holds a high school equivalency [~~diploma~~
21 credential] or is deceased.

22 C. The [~~state board~~] department shall adopt and
23 promulgate rules to carry out the provisions of this section,
24 including:

25 (1) an application form to be submitted by the

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1 World War II veteran or a person acting on behalf of the
2 veteran if the veteran is incapacitated or deceased; and
3 (2) what constitutes acceptable evidence of
4 eligibility for a diploma."

5 SECTION 12. Section 22-5-4.10 NMSA 1978 (being Laws 2005,
6 Chapter 11, Section 1) is amended to read:

7 "22-5-4.10. HIGH SCHOOL DIPLOMAS--KOREAN CONFLICT
8 VETERANS.--

9 A. Notwithstanding any other provision of the
10 Public School Code, a local school board may issue a high
11 school diploma to a Korean conflict veteran who:

12 (1) is an honorably discharged member of the
13 armed forces of the United States;

14 (2) was scheduled to graduate from high school
15 after June 27, 1950 and before January 31, 1955;

16 (3) was a resident of New Mexico and attended
17 a high school in the locality of the current school district;
18 and

19 (4) left high school before graduation to
20 serve in the Korean conflict.

21 B. A local school board may issue a high school
22 diploma to a qualifying Korean conflict veteran regardless of
23 whether the veteran holds a high school equivalency [~~diploma~~
24 credential] or is deceased.

25 C. The department shall adopt and promulgate rules

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1 to carry out the provisions of this section, including:

2 (1) an application form to be submitted to the
3 local school board by the Korean conflict veteran or a person
4 acting on behalf of the veteran if the veteran is incapacitated
5 or deceased; and

6 (2) what constitutes acceptable evidence of
7 eligibility for a diploma."

8 SECTION 13. Section 22-12-2 NMSA 1978 (being Laws 1967,
9 Chapter 16, Section 170, as amended by Laws 2007, Chapter 307,
10 Section 6 and by Laws 2007, Chapter 308, Section 6) is amended
11 to read:

12 "22-12-2. COMPULSORY SCHOOL ATTENDANCE--RESPONSIBILITY.--

13 A. Except as otherwise provided, a school-age
14 person shall attend public school, private school, home school
15 or a state institution until the school-age person is at least
16 eighteen years of age unless that person has graduated from
17 high school or received a ~~[general educational development~~
18 ~~certificate]~~ high school equivalency credential. A parent may
19 give written, signed permission for the school-age person to
20 leave school in case of hardship approved by the local
21 superintendent.

22 B. A school-age person subject to the provisions of
23 the Compulsory School Attendance Law shall attend school for at
24 least the length of time of the school year that is established
25 in the school district in which the person is a resident or the

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1 state-chartered charter school in which the person is enrolled
2 and the school district or state-chartered charter school shall
3 not excuse a student from attending school except as provided
4 in that law or for parent-authorized medical reasons.

5 C. Any parent of a school-age person subject to the
6 provisions of the Compulsory School Attendance Law is
7 responsible for the school attendance of that person.

8 D. Each local school board and each governing body
9 of a charter school or private school shall enforce the
10 provisions of the Compulsory School Attendance Law for students
11 enrolled in their respective schools."

12 SECTION 14. Section 27-2B-5 NMSA 1978 (being Laws 1998,
13 Chapter 8, Section 5 and Laws 1998, Chapter 9, Section 5, as
14 amended by Laws 2007, Chapter 46, Section 18 and by Laws 2007,
15 Chapter 350, Section 3) is amended to read:

16 "27-2B-5. WORK REQUIREMENTS--WORK PARTICIPATION RATES.--

17 A. The following qualify as work activities:

18 (1) unsubsidized employment, including self-
19 employment;

20 (2) subsidized private sector employment,
21 including self-employment;

22 (3) subsidized public sector employment;

23 (4) work experience;

24 (5) on-the-job training;

25 (6) job search and job readiness;

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- 1 (7) community service programs;
2 (8) vocational education;
3 (9) job skills training activities directly
4 related to employment;
5 (10) education directly related to employment;
6 (11) satisfactory attendance at a secondary
7 school or course of study leading to a [~~certificate of general~~]
8 high school equivalency credential in the case of a participant
9 who has not completed secondary school or received such a
10 certificate; and
11 (12) the provision of child care services to a
12 participant who is participating in a community service
13 program.
- 14 B. The department shall recognize community service
15 programs and job training programs that are operated by an
16 Indian nation, tribe or pueblo.
- 17 C. The department may not require a participant to
18 work more than four hours per week over the work requirement
19 rate set pursuant to the federal act.
- 20 D. The department shall require a parent, caretaker
21 or other adult who is a member of a benefit group to engage in
22 a work activity.
- 23 E. Where best suited for the participant to address
24 barriers, the department may require the following work
25 activities:

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1 (1) participating in parenting classes, money
2 management classes or life skills training;

3 (2) participating in a certified alcohol or
4 drug addiction program;

5 (3) in the case of a homeless benefit group,
6 finding a home;

7 (4) in the case of a participant who is a
8 victim of domestic violence residing in a domestic violence
9 shelter or receiving counseling or treatment or participating
10 in criminal justice activities directed at prosecuting the
11 domestic violence perpetrator for no longer than twenty-four
12 weeks; and

13 (5) in the case of a participant who does not
14 speak English, participating in a course in English as a second
15 language.

16 F. Subject to the availability of funds, the
17 department in cooperation with the [~~labor~~] workforce solutions
18 department, Indian affairs department and other appropriate
19 state agencies may develop projects to provide for the
20 placement of participants in work activities, including the
21 following:

22 (1) participating in unpaid internships with
23 private and government entities;

24 (2) refurbishing publicly assisted housing;

25 (3) volunteering at a head start program or a

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1 school;

2 (4) weatherizing low-income housing; and

3 (5) restoring public sites and buildings,
4 including monuments, parks, fire stations, police buildings,
5 jails, libraries, museums, auditoriums, convention halls,
6 hospitals, buildings for administrative offices and city halls.

7 G. If a participant is engaged in full-time
8 vocational education studies or an activity set out in
9 Paragraphs (9) through (11) of Subsection A of this section,
10 the participant shall engage in another work activity at the
11 same time. Additionally, for two-parent families that receive
12 federally funded child-care assistance, the participant's
13 spouse shall engage in a work activity set out in Paragraphs
14 (1) through (5) or (7) of Subsection A of this section unless
15 the participant suffers from a temporary or complete disability
16 that bars the participant from engaging in a work activity or
17 the participant is barred from engaging in a work activity
18 because the participant provides sole care for a ~~[disabled]~~
19 person with a disability.

20 H. A participant engaged in vocational education
21 studies shall make reasonable efforts to obtain a loan,
22 scholarship, grant or other assistance to pay for costs and
23 tuition, and the department shall disregard those amounts in
24 the eligibility determination.

25 I. For as long as the described conditions exist,

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1 the following are exempt from the work requirement:

2 (1) a participant barred from engaging in a
3 work activity because the participant has a temporary or
4 permanent disability;

5 (2) a participant over age sixty;

6 (3) a participant barred from engaging in a
7 work activity because the participant provides the sole care
8 for a person with a disability;

9 (4) a single custodial parent caring for a
10 child less than twelve months old for a lifetime total of
11 twelve months;

12 (5) a single custodial parent caring for a
13 child under six years of age if the parent is unable to obtain
14 child care for one or more of the following reasons:

15 (a) unavailability of appropriate child
16 care within a reasonable distance from the parent's home or
17 work as defined by the children, youth and families department;

18 (b) unavailability or unsuitability of
19 informal child care by a relative under other arrangements as
20 defined by the children, youth and families department; or

21 (c) unavailability of appropriate and
22 affordable formal child-care arrangements as defined by the
23 children, youth and families department;

24 (6) a pregnant woman during her last trimester
25 of pregnancy;

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1 (7) a participant prevented from working by a
2 temporary emergency or a situation that precludes work
3 participation for thirty days or less;

4 (8) a participant who demonstrates by reliable
5 medical, psychological or mental reports, court orders or
6 police reports that family violence or threat of family
7 violence effectively bars the participant from employment; and

8 (9) a participant who demonstrates good cause
9 of the need for the exemption.

10 J. As a condition of the exemptions identified in
11 Subsection I of this section, the department may establish
12 participation requirements specific to the participant's
13 condition or circumstances, such as substance abuse services,
14 mental health services, domestic violence services, pursuit of
15 disability benefits, job readiness or education directly
16 related to employment. The activities are established to
17 improve the participant's capacity to improve income and
18 strengthen family support."

19 SECTION 15. Section 29-7C-3 NMSA 1978 (being Laws 2003,
20 Chapter 320, Section 5) is amended to read:

21 "29-7C-3. QUALIFICATIONS FOR CERTIFICATION.--An applicant
22 for certification shall provide evidence satisfactory to the
23 board that ~~[he]~~ the applicant:

24 A. is a citizen or legal resident of the United
25 States and has reached the age of majority;

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1 B. holds a high school diploma or [~~general~~] high
2 school equivalency [~~diploma~~] credential from an accredited
3 institution;

4 C. has not been convicted of, pled guilty to or
5 entered a plea of nolo contendere to a:

6 (1) felony charge; or

7 (2) violation of a federal or state law, a
8 local ordinance relating to aggravated assault or theft or a
9 law involving moral turpitude within the three-year period
10 immediately preceding [~~his~~] the application;

11 D. has not received a dishonorable discharge from
12 the armed forces of the United States;

13 E. is free from a physical, emotional or mental
14 condition that might adversely affect [~~his~~] the applicant's
15 performance;

16 F. is of good moral character;

17 G. has met all other requirements for certification
18 prescribed by the board; and

19 H. has received a certificate attesting to [~~his~~]
20 the applicant's completion of an approved basic
21 telecommunicator training program from the director."

22 **SECTION 16.** Section 31-18-22 NMSA 1978 (being Laws 1990,
23 Chapter 51, Section 1) is amended to read:

24 "31-18-22. SPECIAL INCARCERATION ALTERNATIVE PROGRAM.--

25 A. The corrections department shall develop and

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1 implement a special incarceration alternative program for
2 certain adult male and adult female felony offenders pursuant
3 to this section. The program shall provide substance abuse
4 counseling and treatment, [~~general education diploma~~] high
5 school equivalency credential preparatory courses, manual labor
6 assignments, physical training and drills, training in
7 decision-making and personal development and pre-release skills
8 training. The programs shall be conducted in a strict
9 disciplinary environment. Emphasis shall be given to
10 rehabilitation of alcohol and substance abusers. The
11 corrections department shall require that program participants
12 complete a structured, ninety-day program.

13 B. Participation in the program shall be limited to
14 those offenders sentenced on or after July 1, 1990. Offenders
15 ineligible to participate in the program are offenders:

- 16 (1) sentenced to death;
- 17 (2) who have received a life sentence;
- 18 (3) with a record of prior confinement for a
19 felony conviction;
- 20 (4) convicted of murder in the first or second
21 degree, child abuse resulting in death or great bodily harm,
22 criminal sexual penetration in the first or second degree or
23 criminal sexual contact with a minor;
- 24 (5) convicted of an offense carrying a
25 mandatory sentence that cannot be suspended or deferred;

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1 (6) who have participated in a special
2 incarceration alternative program in the past;

3 (7) who are more than thirty years of age at
4 time of sentencing; or

5 (8) who do not volunteer to participate in the
6 program and who do not agree to the special conditions of
7 probation for successful program participants.

8 C. The corrections department shall develop and
9 adopt regulations to provide for the screening of all convicted
10 felons sentenced to the custody of the corrections department.
11 The regulations shall provide that the screening occurs within
12 thirty days of sentencing. Persons deemed suitable under the
13 regulations adopted pursuant to this subsection shall not be
14 denied eligibility for participation in the program solely due
15 to physical disability.

16 D. If the sentencing court accepts the
17 recommendation of the corrections department that the offender
18 is suitable for participation in a special incarceration
19 alternative program, the court shall resentence the offender to
20 provide that, in the event the offender successfully completes
21 the program, the remainder of the sentence shall be suspended
22 and the offender shall be placed on probation for the remainder
23 of the term. The sentencing court shall be notified in writing
24 by the corrections department of the offender's successful
25 completion of the special incarceration alternative program.

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1 E. The corrections department may contract for the
2 design, construction and lease of a facility to house a special
3 incarceration alternative program with public or private
4 agencies, entities or persons capable of providing financing or
5 construction of such a facility. The facility shall be
6 operated by the corrections department.

7 F. Appropriate post-institutional treatment shall
8 be made available by the corrections department to the
9 offender."

10 SECTION 17. Section 33-2-34 NMSA 1978 (being Laws 1999,
11 Chapter 238, Section 1, as amended) is amended to read:

12 "33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS
13 DEDUCTIONS.--

14 A. To earn meritorious deductions, a prisoner
15 confined in a correctional facility designated by the
16 corrections department must be an active participant in programs
17 recommended for the prisoner by the classification supervisor
18 and approved by the warden or the warden's designee.

19 Meritorious deductions shall not exceed the following amounts:

20 (1) for a prisoner confined for committing a
21 serious violent offense, up to a maximum of four days per month
22 of time served;

23 (2) for a prisoner confined for committing a
24 nonviolent offense, up to a maximum of thirty days per month of
25 time served;

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1 (3) for a prisoner confined following
2 revocation of parole for the alleged commission of a new felony
3 offense or for absconding from parole, up to a maximum of four
4 days per month of time served during the parole term following
5 revocation; and

6 (4) for a prisoner confined following
7 revocation of parole for a reason other than the alleged
8 commission of a new felony offense or absconding from parole:

9 (a) up to a maximum of eight days per
10 month of time served during the parole term following
11 revocation, if the prisoner was convicted of a serious violent
12 offense or failed to pass a drug test administered as a
13 condition of parole; or

14 (b) up to a maximum of thirty days per
15 month of time served during the parole term following
16 revocation, if the prisoner was convicted of a nonviolent
17 offense.

18 B. A prisoner may earn meritorious deductions upon
19 recommendation by the classification supervisor, based upon the
20 prisoner's active participation in approved programs and the
21 quality of the prisoner's participation in those approved
22 programs. A prisoner may not earn meritorious deductions unless
23 the recommendation of the classification supervisor is approved
24 by the warden or the warden's designee.

25 C. If a prisoner's active participation in approved

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1 programs is interrupted by a lockdown at a correctional
2 facility, the prisoner may continue to be awarded meritorious
3 deductions at the rate the prisoner was earning meritorious
4 deductions prior to the lockdown, unless the warden or the
5 warden's designee determines that the prisoner's conduct
6 contributed to the initiation or continuance of the lockdown.

7 D. A prisoner confined in a correctional facility
8 designated by the corrections department is eligible for lump-
9 sum meritorious deductions as follows:

10 (1) for successfully completing an approved
11 vocational, substance abuse or mental health program, one month;
12 except when the prisoner has a demonstrable physical, mental
13 health or developmental disability that prevents the prisoner
14 from successfully earning a [~~general education diploma~~] high
15 school equivalency credential, in which case, the prisoner shall
16 be awarded three months;

17 (2) for earning a [~~general education diploma~~]
18 high school equivalency credential, three months;

19 (3) for earning an associate's degree, four
20 months;

21 (4) for earning a bachelor's degree, five
22 months;

23 (5) for earning a graduate qualification, five
24 months; and

25 (6) for engaging in a heroic act of saving

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1 life or property, engaging in extraordinary conduct for the
2 benefit of the state or the public that is at great expense or
3 risk to or involves great effort on [~~behalf~~] the part of the
4 prisoner or engaging in extraordinary conduct far in excess of
5 normal program assignments that demonstrates the prisoner's
6 commitment to self-rehabilitation. The classification
7 supervisor and the warden or the warden's designee may recommend
8 the number of days to be awarded in each case based upon the
9 particular merits, but any award shall be determined by the
10 director of the adult institutions division of the corrections
11 department or the director's designee.

12 E. Lump-sum meritorious deductions, provided in
13 Paragraphs (1) through (6) of Subsection D of this section, may
14 be awarded in addition to the meritorious deductions provided in
15 Subsections A and B of this section. Lump-sum meritorious
16 deductions shall not exceed one year per award and shall not
17 exceed a total of one year for all lump-sum meritorious
18 deductions awarded in any consecutive twelve-month period.

19 F. A prisoner is not eligible to earn meritorious
20 deductions if the prisoner:

- 21 (1) disobeys an order to perform labor,
22 pursuant to Section 33-8-4 NMSA 1978;
- 23 (2) is in disciplinary segregation;
- 24 (3) is confined for committing a serious
25 violent offense and is within the first sixty days of receipt by

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1 the corrections department; or

2 (4) is not an active participant in programs
3 recommended and approved for the prisoner by the classification
4 supervisor.

5 G. The provisions of this section shall not be
6 interpreted as providing eligibility to earn meritorious
7 deductions from a sentence of life imprisonment or a sentence of
8 ~~[death]~~ life imprisonment without possibility of release or
9 parole.

10 H. The corrections department shall promulgate rules
11 to implement the provisions of this section, and the rules shall
12 be matters of public record. A concise summary of the rules
13 shall be provided to each prisoner, and each prisoner shall
14 receive a quarterly statement of the meritorious deductions
15 earned.

16 I. A New Mexico prisoner confined in a federal or
17 out-of-state correctional facility is eligible to earn
18 meritorious deductions for active participation in programs on
19 the basis of the prisoner's conduct and program reports
20 furnished by that facility to the corrections department. All
21 decisions regarding the award and forfeiture of meritorious
22 deductions at such facility are subject to final approval by the
23 director of the adult institutions division of the corrections
24 department or the director's designee.

25 J. In order to be eligible for meritorious

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1 deductions, a prisoner confined in a federal or out-of-state
2 correctional facility designated by the corrections department
3 must actively participate in programs that are available. If a
4 federal or out-of-state correctional facility does not have
5 programs available for a prisoner, the prisoner may be awarded
6 meritorious deductions at the rate the prisoner could have
7 earned meritorious deductions if the prisoner had actively
8 participated in programs.

9 K. A prisoner confined in a correctional facility in
10 New Mexico that is operated by a private company, pursuant to a
11 contract with the corrections department, is eligible to earn
12 meritorious deductions in the same manner as a prisoner confined
13 in a state-run correctional facility. All decisions regarding
14 the award or forfeiture of meritorious deductions at such
15 facilities are subject to final approval by the director of the
16 adult institutions division of the corrections department or the
17 director's designee.

18 L. As used in this section:

19 (1) "active participant" means a prisoner who
20 has begun, and is regularly engaged in, approved programs;

21 (2) "program" means work, vocational,
22 educational, substance abuse and mental health programs,
23 approved by the classification supervisor, that contribute to a
24 prisoner's self-betterment through the development of personal
25 and occupational skills. "Program" does not include

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1 recreational activities;

2 (3) "nonviolent offense" means any offense
3 other than a serious violent offense; and

4 (4) "serious violent offense" means:

5 (a) second degree murder, as provided in
6 Section 30-2-1 NMSA 1978;

7 (b) voluntary manslaughter, as provided
8 in Section 30-2-3 NMSA 1978;

9 (c) third degree aggravated battery, as
10 provided in Section 30-3-5 NMSA 1978;

11 (d) third degree aggravated battery
12 against a household member, as provided in Section 30-3-16 NMSA
13 1978;

14 (e) first degree kidnapping, as provided
15 in Section 30-4-1 NMSA 1978;

16 (f) first and second degree criminal
17 sexual penetration, as provided in Section 30-9-11 NMSA 1978;

18 (g) second and third degree criminal
19 sexual contact of a minor, as provided in Section 30-9-13 NMSA
20 1978;

21 (h) first and second degree robbery, as
22 provided in Section 30-16-2 NMSA 1978;

23 (i) second degree aggravated arson, as
24 provided in Section 30-17-6 NMSA 1978;

25 (j) shooting at a dwelling or occupied

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1 building, as provided in Section 30-3-8 NMSA 1978;

2 (k) shooting at or from a motor vehicle,
3 as provided in Section 30-3-8 NMSA 1978;

4 (l) aggravated battery upon a peace
5 officer, as provided in Section 30-22-25 NMSA 1978;

6 (m) assault with intent to commit a
7 violent felony upon a peace officer, as provided in Section
8 30-22-23 NMSA 1978;

9 (n) aggravated assault upon a peace
10 officer, as provided in Section 30-22-22 NMSA 1978; ~~and~~ or

11 (o) any of the following offenses, when
12 the nature of the offense and the resulting harm are such that
13 the court judges the crime to be a serious violent offense for
14 the purpose of this section: 1) involuntary manslaughter, as
15 provided in Section 30-2-3 NMSA 1978; 2) fourth degree
16 aggravated assault, as provided in Section 30-3-2 NMSA 1978; 3)
17 third degree assault with intent to commit a violent felony, as
18 provided in Section 30-3-3 NMSA 1978; 4) fourth degree
19 aggravated assault against a household member, as provided in
20 Section 30-3-13 NMSA 1978; 5) third degree assault against a
21 household member with intent to commit a violent felony, as
22 provided in Section 30-3-14 NMSA 1978; 6) third and fourth
23 degree aggravated stalking, as provided in Section 30-3A-3.1
24 NMSA 1978; 7) second degree kidnapping, as provided in Section
25 30-4-1 NMSA 1978; 8) second degree abandonment of a child, as

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1 provided in Section 30-6-1 NMSA 1978; 9) first, second and third
2 degree abuse of a child, as provided in Section 30-6-1 NMSA
3 1978; 10) third degree dangerous use of explosives, as provided
4 in Section 30-7-5 NMSA 1978; 11) third and fourth degree
5 criminal sexual penetration, as provided in Section 30-9-11 NMSA
6 1978; 12) fourth degree criminal sexual contact of a minor, as
7 provided in Section 30-9-13 NMSA 1978; 13) third degree robbery,
8 as provided in Section 30-16-2 NMSA 1978; 14) third degree
9 homicide by vehicle or great bodily ~~[injury]~~ harm by vehicle, as
10 provided in Section 66-8-101 NMSA 1978; ~~[and]~~ or 15) battery
11 upon a peace officer, as provided in Section 30-22-24 NMSA 1978.

12 M. Except for sex offenders, as provided in Section
13 31-21-10.1 NMSA 1978, an offender sentenced to confinement in a
14 correctional facility designated by the corrections department
15 who has been released from confinement and who is serving a
16 parole term may be awarded earned meritorious deductions of up
17 to thirty days per month upon recommendation of the parole
18 officer supervising the offender, with the final approval of the
19 adult parole board. The offender must be in compliance with all
20 the conditions of the offender's parole to be eligible for
21 earned meritorious deductions. The adult parole board may
22 remove earned meritorious deductions previously awarded if the
23 offender later fails to comply with the conditions of the
24 offender's parole. The corrections department and the adult
25 parole board shall promulgate rules to implement the provisions

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1 of this subsection. This subsection applies to offenders who
2 are serving a parole term on or after July 1, 2004."

3 SECTION 18. Section 33-11-3 NMSA 1978 (being Laws 1988,
4 Chapter 78, Section 3) is amended to read:

5 "33-11-3. REGULATIONS.--

6 A. The corrections department, by July 1, 1988,
7 shall adopt regulations for all adult correctional institutions
8 operated by the department for the implementation of a mandatory
9 education program for all inmates to attain a minimum education
10 standard as set forth in this section.

11 ~~[A.]~~ B. The regulations shall apply only to any
12 inmate who:

13 (1) commits a crime after the effective date
14 of the Inmate Literacy Act; and

15 (2) has eighteen months or more remaining to
16 be served on ~~[his]~~ the inmate's sentence of incarceration; and
17 ~~[either]~~ who:

18 ~~[(3)]~~ (a) is not exempted due to a
19 medical, developmental or learning disability; or

20 ~~[(4)]~~ (b) does not possess a ~~[general~~
21 ~~education diploma]~~ high school equivalency credential or a high
22 school diploma.

23 ~~[B.]~~ C. The regulations adopted shall require that:

24 (1) a minimum education standard shall be met
25 beginning in 1988 and in all subsequent years as follows:

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1 (a) in 1988, the education standard shall
2 be the equivalent of grade six in reading and math on the test
3 of adult basic education;

4 (b) in 1989, the education standard shall
5 be the equivalent of grade seven in reading and math on the test
6 of adult basic education;

7 (c) in 1990, the education standard shall
8 be the equivalent of grade eight in reading and math on the test
9 of adult basic education; and

10 (d) in 1991, the education standard shall
11 be a high school diploma or a [~~general education diploma~~] high
12 school equivalency credential;

13 (2) inmates who meet the criteria in
14 Subsection [A] B of this section shall be required to
15 participate in education programs for ninety days. After ninety
16 days, inmates may choose to withdraw from educational programs
17 but will be subject to the provisions of Paragraph (3) of
18 [~~Subsection B of this section~~] this subsection; and

19 (3) notwithstanding any other provision of
20 law, inmates who are subject to these regulations but who refuse
21 or choose not to participate shall not be eligible for monetary
22 compensation for work performed or for meritorious deduction as
23 set forth in Subsection [A] D of Section 33-2-34 NMSA 1978.

24 [~~C.~~] D. The regulations may:

25 (1) exclude any inmate who has been

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1 incarcerated for less than ninety days in an institution
2 controlled by the corrections department;

3 (2) exclude any inmate who is assigned a
4 minimum custody classification; or

5 (3) defer educational requirements for inmates
6 with sentences longer than ten years."

7 SECTION 19. Section 35-2-1 NMSA 1978 (being Laws 1968,
8 Chapter 62, Section 41, as amended) is amended to read:

9 "35-2-1. QUALIFICATION--PERSONAL QUALIFICATIONS.--

10 A. Each magistrate shall be a qualified elector of,
11 and reside in, the magistrate district for which the magistrate
12 is elected or appointed.

13 B. No person is eligible for election or appointment
14 to the office of magistrate unless the person has graduated from
15 high school or has attained the equivalent of a high school
16 education as indicated by possession of a [~~certificate of~~] high
17 school equivalency credential issued by the public education
18 department based upon the record made on the [~~general~~
19 ~~educational development~~] high school equivalency credential
20 test.

21 C. In magistrate districts with a population of more
22 than two hundred thousand persons in the last federal decennial
23 census, no person is eligible for election to the office of
24 magistrate unless the person:

25 (1) is a member of the bar of this state and

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1 licensed to practice law in this state; or

2 (2) holds the office of magistrate in that
3 district when the federal decennial census is published, as long
4 as there is no break in service.

5 D. In magistrate districts with a population of more
6 than two hundred thousand persons in the last federal decennial
7 census, no person is eligible for appointment to the office of
8 magistrate unless the person is a member of the bar of this
9 state and licensed to practice law in this state.

10 E. A person holding the office of magistrate shall
11 not engage in the private practice of law during tenure in
12 office."

13 SECTION 20. Section 52-1-26.3 NMSA 1978 (being Laws 1990
14 (2nd S.S.), Chapter 2, Section 14, as amended) is amended to
15 read:

16 "52-1-26.3. PARTIAL DISABILITY DETERMINATION--EDUCATION
17 MODIFICATION.--

18 A. The range of the education modification is one to
19 eight. The modification shall be based upon the worker's formal
20 education, skills and training at the time of the disability
21 rating.

22 B. A worker shall be awarded points based on the
23 formal education [~~he~~] that the worker has received. A worker
24 who:

25 (1) has completed no higher than the fifth

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1 grade shall be awarded three points;

2 (2) has completed the sixth grade but has
3 completed no higher than the eleventh grade shall be awarded two
4 points;

5 (3) has completed the twelfth grade or has
6 obtained a [~~GED certificate~~] high school equivalency credential
7 but has not completed a college degree shall be awarded one
8 point; and

9 (4) has completed a college degree or more
10 shall receive zero points.

11 C. A worker shall be awarded points based upon [~~his~~]
12 the worker's skills. Skills shall be measured by reviewing the
13 jobs [~~he~~] that the worker has successfully performed during the
14 ten years preceding the date of disability determination. For
15 the purposes of this section, "successfully performed" means
16 having remained on the job the length of time necessary to meet
17 the specific vocational preparation (SVP) time requirement for
18 that job as established in the dictionary of occupational titles
19 published by the United States department of labor. The
20 appropriate award of points shall be based upon the highest SVP
21 level demonstrated by the worker in the performance of the jobs
22 [~~he~~] that the worker has successfully performed in the ten-year
23 period preceding the date of disability determination, as
24 follows:

25 (1) a worker with an SVP of one to two shall

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1 be awarded four points;

2 (2) a worker with an SVP of three to four
3 shall be awarded three points;

4 (3) a worker with an SVP of five to six shall
5 be awarded two points; and

6 (4) a worker with an SVP of seven to nine
7 shall be awarded one point.

8 D. A worker shall be awarded points based upon the
9 training ~~[he]~~ that the worker has received. A worker who cannot
10 competently perform a specific vocational pursuit shall be
11 awarded one point. A worker who can perform a specific
12 vocational pursuit shall not receive any points.

13 E. The sum of the points awarded the worker in
14 Subsections B, C and D of this section shall constitute the
15 education modification."

16 SECTION 21. Section 58-28-5 NMSA 1978 (being Laws 1997,
17 Chapter 118, Section 5, as amended) is amended to read:

18 "58-28-5. USE OF MONEY--ELIGIBLE ACTIVITIES.--

19 A. Money from the fund and other sources may be used
20 to finance in whole or in part any loans or grant projects that
21 will provide housing for low-income persons and for other uses
22 specified in this section. Money deposited into the fund may be
23 used annually as follows:

24 (1) no more than five percent of the fund
25 shall be used for expenses of administering the fund;

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1 (2) no less than twenty percent of the fund
2 shall be invested in a permanent capital fund, the interest on
3 which may be used for purposes specified in this section;

4 (3) no less than fifty percent of the fund
5 shall be allocated to eligible organizations to make housing
6 more accessible to low-income persons;

7 (4) no more than ten percent of the fund may
8 be ~~alloted~~ allocated for use to provide scholarships for New
9 Mexico high school graduates and ~~general~~ high school
10 equivalency ~~diploma~~ credential recipients at New Mexico public
11 post-secondary educational institutions under a program approved
12 by the trustee under the administration of a nonprofit statewide
13 land title association; and

14 (5) the remaining balance may be allocated to
15 eligible organizations for other housing-related programs for
16 the benefit of the public as specifically approved by the
17 trustee from time to time.

18 B. Money in the capital fund authorized in Paragraph
19 (2) of Subsection A of this section may be invested in fully
20 amortizing interest-bearing mortgages secured by real property
21 in New Mexico, the interest on which may be used for purposes
22 specified in this section."

23 SECTION 22. Section 58-30-8 NMSA 1978 (being Laws 2003,
24 Chapter 362, Section 8, as amended) is amended to read:

25 "58-30-8. ALLOWABLE USES--WITHDRAWALS FROM INDIVIDUAL

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1 DEVELOPMENT ACCOUNTS--FORFEITURE OF MATCHING FUNDS FROM RESERVE
2 ACCOUNT--LOSS OF ELIGIBLE INDIVIDUAL STATUS.--

3 A. Allowable uses of the money withdrawn from an
4 individual development account are limited to the following:

5 (1) expenses to attend an approved post-
6 secondary or vocational educational institution, including
7 payment for tuition, books, supplies and equipment required for
8 courses;

9 (2) costs to acquire or construct a principal
10 residence as defined in rules adopted pursuant to the Individual
11 Development Account Act that is the first principal residence
12 acquired or constructed by the account owner;

13 (3) costs of major home improvements or
14 repairs on the home of the account owner;

15 (4) capitalization or costs to start or expand
16 a business, including capital, plant, equipment, operational and
17 inventory expenses, attorney and accountant fees and other costs
18 normally associated with starting or expanding a business;

19 (5) acquisition of a vehicle necessary to
20 obtain or maintain employment by an account owner or the spouse
21 of an account owner; and

22 (6) in the case of a deceased account owner,
23 amounts deposited by the account owner and held in an individual
24 development account shall be distributed directly to the account
25 owner's spouse, or if the spouse is deceased or there is no

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1 spouse, to a dependent or other named beneficiary of the
2 deceased or if the recipient is eligible to maintain the
3 account, the account and matching funds designated for that
4 account from a reserve account may be transferred and maintained
5 in the name of the surviving spouse, dependent or beneficiary.

6 B. Unless otherwise approved by the program
7 administrator pursuant to the provisions of Subsection D of this
8 section, account owners qualifying as eligible individuals
9 pursuant to the provisions of Subsection B or C of Section
10 58-30-4 NMSA 1978 shall not be permitted to withdraw money from
11 an individual development account until such time as the account
12 owners have completed a high school curriculum at a public or
13 accredited private New Mexico high school or received a [~~general~~
14 ~~educational development certificate~~] high school equivalency
15 credential.

16 C. Except as provided in Subsection D of this
17 section, if an account owner withdraws money from an individual
18 development account for a use other than an allowable use, the
19 account owner forfeits a proportionate amount of matching funds
20 from the reserve account, as set forth in the agreement between
21 the program administrator and the account owner.

22 D. The program administrator may approve a
23 withdrawal by an account owner from an individual development
24 account to be used for a purpose other than an allowable use
25 only for serious emergencies as specified in the rules adopted

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1 by the office. For such an approved withdrawal, the
2 proportionate matching funds in the reserve account shall remain
3 in the reserve account for twelve months following the
4 withdrawal and, if an amount equal to the withdrawn money is
5 redeposited in the individual development account within the
6 twelve months, the matching funds shall again be available to
7 match withdrawals for allowable uses.

8 E. At the request of the account owner and with the
9 written approval of the program administrator, amounts may be
10 withdrawn from the account owner's individual development
11 account and deposited in another individual development account
12 established for an eligible individual who is the account
13 owner's spouse or dependent."

14 SECTION 23. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2015.