

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 464

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING NOTICE BEFORE PUBLIC  
SCHOOLS RELEASE PERSONAL INFORMATION ABOUT STUDENTS TO POST-  
SECONDARY RECRUITERS; PROVIDING OTHER REQUIREMENTS AND  
LIMITATIONS.

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

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

"[NEW MATERIAL] STUDENT INFORMATION--PRIVACY AND CHOICE IN  
DISCLOSURE--REQUIREMENTS AND LIMITATIONS ON POST-SECONDARY  
RECRUITMENT.--

A. As used in this section, "post-secondary  
recruiter" means a person who recruits students to enroll in a  
school, college or university; to join a branch of the armed  
services; to join a community or national service organization;

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1 or to join a business, firm or other employment.

2 B. Each school district and charter school shall  
3 develop a post-secondary recruitment policy for high school  
4 that includes the requirements of Subsection C of this section.

5 C. Each school district and charter school shall:

6 (1) provide two written notifications to its  
7 students and parents that explains that students and parents  
8 have the right to withhold personally identifiable and  
9 directory student information from any or all post-secondary  
10 recruiters; provided that the second notification shall be  
11 given not less than two weeks prior to the high school  
12 releasing students' personal information to post-secondary  
13 recruiters; and provided further that each notification shall  
14 include the date on which student personal information will be  
15 released to post-secondary recruiters and the method by which  
16 students and parents may notify the high school of their choice  
17 to withhold their personal information;

18 (2) maintain an annual record of students and  
19 parents who choose to withhold the student's personal  
20 information from all post-secondary recruiters and shall  
21 consider this withholding to be the final choice of the student  
22 and parent for the duration of the student's attendance at that  
23 high school, unless later changed in writing by the student or  
24 parent;

25 (3) not release student personal information

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1 to post-secondary recruiters prior to that school district's or  
2 charter school's fortieth school day;

3 (4) limit the number of visits and the total  
4 hours of access by a post-secondary recruiter to a set number  
5 of school days that do not exceed six per academic year, per  
6 post-secondary recruiter;

7 (5) require advance notification of at least  
8 forty-eight hours before a post-secondary recruiter is allowed  
9 to visit the high school campus to engage in recruiting  
10 activities;

11 (6) maintain a publicly available log of  
12 post-secondary recruiters, their hosting organizations and the  
13 dates and times of visits to the school campus to engage in  
14 recruiting activities;

15 (7) require post-secondary recruiters to  
16 remain in designated locations that are publicly visible and  
17 accessible, such as student centers, classrooms or cafeterias;

18 (8) require the written permission of a  
19 student's parent before allowing minor students to leave a  
20 school campus with a post-secondary recruiter; and

21 (9) provide for equal access to all  
22 post-secondary recruitment organizations requesting access,  
23 without preference to any individual or group of  
24 organizations."

25 Section 2. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2009.

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