

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 357

52nd Legislature, 1st Session, 2015

Tracking Number: .198539.1

Short Title: High School Equivalency Credentials

Sponsor(s): Senator Daniel A. Ivey-Soto and Representative Nora Espinoza and Other

Analyst: Travis Dulany

Date: February 26, 2015

Bill Summary:

SB 357 amends several sections of current law to use the term “high school equivalency credential” instead of:

- “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.”

Fiscal Impact:

SB 357 does not contain an appropriation.

Substantive Issues:

According to the American Council on Education (ACE):

- “GED” is a registered trademark of ACE and may not be used or reproduced without written permission from the organization; and
- the GED test is administered by GED Testing Service, LLC, under a license from ACE.

Although the acronym “GED” refers specifically to a series of tests administered by GED Testing Service, LLC, a commonplace assumption is that “GED” describes all high school equivalency tests.

This led the enactment of Legislative Education Study Committee (LESC)-endorsed legislation (Laws 2014, Chapter 31) that replaced multiple varying terms in statute, including those that are being addressed in SB 357, with the term “high school equivalency credential.” The 2014 legislation amended one section of the *Public School Code* and utilized a temporary provision to require that the rest of the various terms associated with the GED test in statute “...be deemed to be references to the ‘high school equivalency credential.’”

The use of this temporary provision initiated some debate among members of the Legislature regarding the body's ability to amend multiple sections of statute by reference. More specifically, Article IV, Section 18 was cited as prohibiting this practice. This section reads, "No law shall be revised or amended, or the provisions thereof extended by reference to its title only; but each section thereof as revised, amended or extended shall be set out in full."

Enactment of SB 357 may help to ensure that the provisions of the 2014 legislation are implemented pursuant to the Constitution of the State of New Mexico.

Background:

Since the 2012 interim, the LESC has heard testimony about changes to the GED program that were scheduled to occur in 2014, including:

- the apparent privatization of the GED, through a corporation called GED Testing Service, LLC, which was formed through a joint venture by the American Council on Education and Pearson PLC;
- mandatory computer-based testing for the new GED test; and
- the likelihood of increased cost of the new GED test, from approximately \$35 to \$120.

Another point that came to the committee's attention was that, while the term "general educational development" appears in statute, the term "GED" is a registered trademark. To address this matter, the committee endorsed a bill in 2013 to change statutory references to a more generic term, "high school equivalency diploma." Although the bill passed, it received a pocket veto from the Governor.

During the 2013 interim, the committee continued to hear testimony on GED issues, including testimony from GED Testing Service, LLC, and two other vendors – Educational Testing Service (ETS) and CTB/McGraw-Hill – offering alternative high school equivalency assessments for \$50 to \$60 per test-taker. Further testimony during the 2013 interim identified other issues to be addressed, among them:

- other costs in addition to the \$120 student testing fee;
- the requirement that students pay by credit or debit card; and
- the ability of students to bypass adult basic education programs and take the test without any preparation.

For the 2014 legislative session, the LESC endorsed legislation similar to that in 2013. Enacted into law, this legislation allowed the Public Education Department (PED) to proceed with a fair bidding process. Subsequently, PED issued a request for applications for a new high school equivalency test vendor in September 2014, and in December 2014 the department selected two vendors: GED Testing Services, LLC, and ETS.¹

In July and September 2014, the LESC heard testimony from GED test administrators in Farmington and Hobbs, respectively, each of whom noted a decrease in participation and passing rates among GED test-takers in 2014:

¹ According to PED, a three-year agreement with both vendors became effective January 1, 2015, and testing centers will have the option to administer one or both of the tests in the first year of the agreement; however, all testing centers will be required to administer both tests in 2016 and 2017.

- The Director of Adult Basic Education at San Juan College (SJC) in Farmington testified on the need to broaden testing options in the state and compared SJC's GED test data from the first half of 2013 with test data from the first half of 2014:
 - from January to June 2013: 1,724 people completed a full battery of GED exams at SJC, and 1,254 of them, or 72.7 percent, passed the exams to receive their GED certificates; and
 - from January to June 2014: 347 people completed a full battery of GED exams at SJC, and 139 of them, or 40 percent, passed the exams to receive their GED certificates.
- The dean responsible for GED testing at New Mexico Junior College (NMJC) in Hobbs testified that, since the NMJC program became a Pearson Virtual University Enterprises Certified Testing Center in January 2014, the testing office has experienced a 72 percent decline in the number of students taking the GED and a 92 percent decline in the number of students passing the GED compared with 2013. The dean also noted that other tests that fulfill the same purpose would be welcome in adult education centers.

Committee Referrals:

SEC

Related Bills:

SB 358a *Halfway House & Transitional Facility Act*
SB 361a *Expand School Equivalency for Incarcerated*
HB 165 *Remove AYP References in School Code*