

1 AN ACT

2 REPLACING THE TERMS "GENERAL EDUCATION DIPLOMA", "GENERAL  
3 EDUCATION DEVELOPMENT CERTIFICATE", "GENERAL EDUCATIONAL  
4 DEVELOPMENT CERTIFICATE", "CERTIFICATE OF GENERAL  
5 EQUIVALENCY", "GENERAL EQUIVALENCY DIPLOMA CERTIFICATE",  
6 "GED CERTIFICATE", "HIGH SCHOOL EQUIVALENCY DIPLOMA",  
7 "CERTIFICATE OF EQUIVALENCY" AND "GENERAL EQUIVALENCY  
8 DIPLOMA" WITH THE TERM "HIGH SCHOOL EQUIVALENCY CREDENTIAL".  
9

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

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

13 "21-1-1. STATE INSTITUTIONS--ADMISSION REQUIREMENTS TO  
14 BE ESTABLISHED BY BOARDS OF REGENTS.--

15 A. The respective boards of regents of New Mexico  
16 state university, New Mexico institute of mining and  
17 technology, the university of New Mexico and the New Mexico  
18 military institute at Roswell shall determine and fix the  
19 standard of requirements for admission to their respective  
20 institutions.

21 B. In determining the standard of requirements for  
22 admission to their respective institutions, boards of regents  
23 shall not require a student who has completed the  
24 requirements of a home-based or nonpublic school educational  
25 program and who has submitted test scores that otherwise

1 qualify the student for admission to that institution to  
2 obtain or submit proof of having obtained a high school  
3 equivalency credential. In determining requirements for  
4 admission, boards of regents shall evaluate and treat  
5 applicants from home-based educational programs or nonpublic  
6 schools fairly and in a nondiscriminatory manner."

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

9 "21-1-1.1. HOME SCHOOL STUDENTS--ADMISSION  
10 REQUIREMENTS--PUBLIC POST-SECONDARY EDUCATIONAL  
11 INSTITUTIONS.--In determining the standard of requirements  
12 for admission to any public post-secondary educational  
13 institution, the board of regents, governing board or  
14 community college board shall not require a student who has  
15 completed the requirements of a home-based or nonpublic  
16 school educational program and who has submitted test scores  
17 that otherwise qualify the student for admission to that  
18 institution to obtain or submit proof of having obtained a  
19 high school equivalency credential. In determining  
20 requirements for admission, the board of regents, governing  
21 board or community college board shall evaluate and treat  
22 applicants from home-based or nonpublic educational programs  
23 fairly and in a nondiscriminatory manner."

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

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

3           A. As used in this section:

4                   (1) "bureau of Indian education school"  
5 means a school located in New Mexico that is under the  
6 control of the bureau of Indian education of the United  
7 States department of the interior;

8                   (2) "dual credit course" means a  
9 post-secondary course that may be academic or  
10 career-technical but not remedial or developmental and  
11 specified in a rule promulgated pursuant to Paragraph (1) of  
12 Subsection G of this section for which a student  
13 simultaneously earns credit toward high school graduation and  
14 a post-secondary degree or certificate;

15                   (3) "dual credit program" means a program  
16 offered by a public post-secondary educational institution or  
17 tribal college that allows high school students to enroll in  
18 dual credit courses;

19                   (4) "high school" means a school offering  
20 one or more of grades nine through twelve or their equivalent  
21 and that is a school district, charter school,  
22 state-supported school, bureau of Indian education school,  
23 private school or home school; and

24                   (5) "tribal college" means a tribally,  
25 federally or congressionally chartered post-secondary

1 educational institution located in New Mexico that is  
2 accredited by the north central association of colleges and  
3 schools.

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

7 (1) except as provided in Subsection C of  
8 this section, be enrolled in a school district, charter  
9 school or state-supported school in one-half or more of the  
10 minimum course requirements approved by the public education  
11 department for public school students or, if a student in a  
12 bureau of Indian education school, private school or home  
13 school, be receiving at least one-half of the student's  
14 instruction at the student's high school; and

15 (2) obtain permission from the student's  
16 school counselor, school principal or head administrator of  
17 the high school that the student primarily attends prior to  
18 enrolling in a dual credit course.

19 C. A student who has met the eligibility criteria  
20 provided for in Subsection B of this section in a fall or  
21 winter semester and who has not graduated or earned a high  
22 school equivalency credential may take courses for dual  
23 credit during the immediately succeeding summer semester.

24 D. The high school that the student primarily  
25 attends shall pay the cost of the required textbooks and

1 other course supplies for the post-secondary course the  
2 student is enrolled in through purchase arrangements with the  
3 bookstore at the public post-secondary educational  
4 institution or tribal college or through other cost-efficient  
5 methods. The student shall return the textbooks and unused  
6 course supplies to the high school when the student completes  
7 the course or withdraws from the course.

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

11 F. The higher education department shall revise  
12 procedures in the higher education funding formula to address  
13 enrollments in dual credit courses and to encourage  
14 institutions to waive tuition for high school students taking  
15 those courses.

16 G. The higher education department and the public  
17 education department shall adopt and promulgate rules to  
18 implement a dual credit program that specify:

19 (1) post-secondary courses that are eligible  
20 for dual credit;

21 (2) conditions that apply, including:

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

24 (b) the semesters in which dual credit  
25 courses may be taken;

1 (c) the nature of high school credit  
2 earned;

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

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

7 (3) accommodations or other arrangements  
8 applicable to special education students;

9 (4) the contents of the uniform master  
10 agreement that govern the roles, responsibilities and  
11 liabilities of the high school, the public post-secondary  
12 educational institution or tribal college and the student and  
13 the student's family;

14 (5) provisions for expanding dual credit  
15 opportunities through distance learning and other methods;

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

22 (7) provisions for collecting and  
23 disseminating annual data, including:

24 (a) the number of students taking dual  
25 credit courses;

1 (b) the participating high schools,  
2 public post-secondary educational institutions and tribal  
3 colleges;

4 (c) the courses taken and grades  
5 earned;

6 (d) the high school graduation rates  
7 for participating school districts, charter schools and  
8 state-supported schools;

9 (e) the public post-secondary  
10 educational institutions and tribal colleges that  
11 participating students ultimately attend; and

12 (f) the cost of providing dual credit  
13 courses.

14 H. The higher education department and the public  
15 education department shall evaluate the dual credit program  
16 in terms of its accessibility to students statewide and its  
17 effect on:

18 (1) student achievement in secondary  
19 education;

20 (2) student enrollment and completion of  
21 higher education; and

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

24 I. The departments shall make an annual report,  
25 including recommendations, to the governor and the

1 legislative education study committee.

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

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

6 "21-1-4.6. NONDISCRIMINATION POLICY FOR ADMISSION TO  
7 ANY PUBLIC POST-SECONDARY EDUCATIONAL INSTITUTION--  
8 NONDISCRIMINATION IN ELIGIBILITY FOR EDUCATION BENEFITS.--

9 A. A public post-secondary educational institution  
10 shall not deny admission to a student on account of the  
11 student's immigration status.

12 B. Any tuition rate or state-funded financial aid  
13 that is granted to residents of New Mexico shall also be  
14 granted on the same terms to all persons, regardless of  
15 immigration status, who have attended a secondary educational  
16 institution in New Mexico for at least one year and who have  
17 either graduated from a New Mexico high school or received a  
18 high school equivalency credential in New Mexico."

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

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

23 A. Upon request from a public high school or  
24 school district superintendent in New Mexico, a public  
25 post-secondary educational institution shall provide a report



1 of students who enroll in the institution within three years  
2 of graduating from that high school or leaving that high  
3 school without enrolling in another high school or earning a  
4 high school equivalency credential. Information in the  
5 reports may be used by the high schools and public  
6 post-secondary educational institutions to improve  
7 instruction, student preparation and advisement.

8 B. The higher education department, in  
9 consultation with the public education department and  
10 representatives of public high schools and public  
11 post-secondary educational institutions, shall prescribe the  
12 form of the reports. Reports shall not include any  
13 personally identifiable student information. The reports  
14 shall be designed to show advanced placement by subject,  
15 total credits earned, grade point averages, retention from  
16 fall to spring semester of the first year of college and  
17 frequency and patterns of remedial or development courses  
18 being taken.

19 C. The higher education department shall be  
20 provided with copies of the reports."

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

25 "21-21L-3. DEFINITIONS.--As used in the College

1 Affordability Act:

2 A. "commission" or "department" means the higher  
3 education department;

4 B. "eligible student" means a New Mexico resident  
5 who is enrolled or enrolling at least half-time in a public  
6 post-secondary educational institution or tribal college at  
7 any time later than one hundred twenty days following high  
8 school graduation or the award of a high school equivalency  
9 credential;

10 C. "scholarship" means a college affordability  
11 scholarship; and

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

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

18 "22-1-9. HIGH SCHOOL DIPLOMA--RESIDENT MILITARY  
19 DEPENDENTS.--

20 A. A New Mexico resident high school student who  
21 is required to move out of state because the student's parent  
22 is a member of the New Mexico national guard or a branch of  
23 the armed forces of the United States and the parent is  
24 transferred to an out-of-state location may receive a  
25 New Mexico high school diploma under the following

1 conditions:

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

5 (2) the student's parent notified the school  
6 district of the move and that the parent and student were  
7 retaining their New Mexico residency;

8 (3) the student transferred to and  
9 immediately enrolled in a high school at the new location and  
10 received high school credits that meet or exceed New Mexico's  
11 requirements for graduation; and

12 (4) the student has not graduated from high  
13 school or received a diploma, high school equivalency  
14 credential or any other certification of high school  
15 completion or its equivalent.

16 B. A student who meets the conditions of  
17 Subsection A of this section may request the New Mexico  
18 school district from which the student transferred to grant a  
19 high school diploma. The student shall include with the  
20 request for a New Mexico high school diploma:

21 (1) certification by the parent, and the  
22 student if over the age of eighteen, that the parent and  
23 student maintained their New Mexico residency;

24 (2) a transcript from the high school the  
25 student attended and a description of the course units to be

1 transferred; and

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

4 C. The school district shall review the student's  
5 high school transcript from the school the student  
6 transferred to and determine if the courses and grades meet  
7 or exceed New Mexico's requirements for graduation. If the  
8 transcript meets New Mexico standards, the school district  
9 shall grant the student a high school diploma."

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

12 "22-1-11. EDUCATIONAL DATA SYSTEM.--

13 A. As used in this section:

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

15 (2) "data system" means the unified  
16 pre-kindergarten through post-graduate education  
17 accountability data system;

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

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

24 (5) "pre-kindergarten through post-graduate  
25 system" means an integrated, seamless pre-kindergarten

1 through post-graduate system of education.

2 B. The data system partners, in consultation with  
3 the council, shall establish a data system, the purpose of  
4 which is to:

5 (1) collect, integrate and report  
6 longitudinal student-level and educator data required to  
7 implement federally or state-required education performance  
8 accountability measures;

9 (2) conduct research and evaluation  
10 regarding federal, state and local education and training  
11 programs at all levels; and

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

14 C. The components of the data system shall include  
15 the use of a common student identifier for the  
16 pre-kindergarten through post-graduate system and an educator  
17 identifier, both of which may include additional identifiers,  
18 with the ability to match educator data to student data and  
19 educator data to data from schools, post-secondary education  
20 programs and other educational agencies.

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

23 (1) the secretary of public education or the  
24 secretary's designee;

25 (2) the secretary of higher education or the

1 secretary's designee;

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

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

6 (5) the secretary of economic development or  
7 the secretary's designee;

8 (6) the secretary of information technology  
9 or the secretary's designee;

10 (7) the secretary of human services or the  
11 secretary's designee;

12 (8) the secretary of health or the  
13 secretary's designee;

14 (9) the director of the office of education  
15 accountability or the director's designee;

16 (10) the director of the public school  
17 facilities authority or the director's designee;

18 (11) a representative from the office of the  
19 governor;

20 (12) the presidents or their designees of  
21 one research university, one four-year comprehensive  
22 university, two branch colleges and two independent community  
23 colleges; provided that the presidents shall be selected by  
24 the data system partners in collaboration with organizations  
25 that represent the presidents of those institutions;

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

6 (14) at least three charter school  
7 administrators or their designees appointed by the data  
8 system partners;

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

11 (16) the director of the legislative finance  
12 committee or the director's designee.

13 E. The council shall:

14 (1) meet at least four times each calendar  
15 year;

16 (2) create a management plan that assigns  
17 authority and responsibility for the operation of the data  
18 system among the educational agencies whose data will be  
19 included in the data system;

20 (3) assist the educational agencies whose  
21 data will be included in the data system in developing  
22 interagency agreements to:

23 (a) enable data to be shared across and  
24 between the educational agencies;

25 (b) define appropriate uses of data;

1 (c) assure researcher access to data;

2 (d) assure the security of the data

3 system;

4 (e) ensure that the educational system

5 agencies represented on the council, the legislative

6 education study committee, the legislative finance committee

7 and other users, as appropriate, have access to the data

8 system; and

9 (f) ensure the privacy of any person

10 whose personally identifiable information is contained in the

11 data system;

12 (4) develop a strategic plan for the data

13 system; and

14 (5) create policies that ensure users have

15 prompt and reasonable access to reports generated from the

16 data system, including:

17 (a) identification of categories of

18 data system users based on security level;

19 (b) descriptions of the reports that

20 the data system is capable of generating on demand; and

21 (c) definitions of the most timely

22 process by which users may retrieve other reports without

23 compromising the security of the data system or the privacy

24 of any person whose personally identifiable information is

25 contained in the data system.



1 F. The data system strategic plan shall include:

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

5 (2) the training and professional  
6 development that the data system partners will provide to  
7 users who will be analyzing, accessing or entering data into  
8 the data system.

9 G. The confidentiality of personally identifiable  
10 student and educator data shall be safeguarded consistent  
11 with the requirements of state and federal law. To the  
12 extent permitted by the data system partners in conformance  
13 with state and federal law, public entities participating in  
14 the data system may:

15 (1) disclose or redisclose data for  
16 educational purposes and longitudinal comparisons, analyses  
17 or studies, including those authorized by law;

18 (2) enter into agreements with other  
19 organizations for research studies to improve instruction for  
20 the benefit of local educational agencies, public schools and  
21 post-secondary educational institutions, subject to  
22 safeguards to ensure that the research organization uses the  
23 student records only for the authorized study purposes; and

24 (3) disclose education records to a  
25 student's former secondary school or school district upon

1 request solely for purposes of evaluation or accountability  
2 for its programs.

3 H. Nothing in this section precludes the data  
4 system partners, in consultation with school districts,  
5 charter schools and public post-secondary educational  
6 institutions, from collecting and distributing aggregate data  
7 about students or educators or data about an individual  
8 student or educator without personally identifiable  
9 information.

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

16 J. By December 31 of each year, the data system  
17 partners shall submit a data system status report to the  
18 legislature and to the governor. Prior to submission and  
19 publication of the report referred to in Subsection K of this  
20 section, the data system partners shall distribute a draft of  
21 the report to school districts, charter schools and all  
22 public post-secondary educational institutions to allow  
23 comment on the draft report.

24 K. The data system partners, in consultation with  
25 school districts, charter schools and public post-secondary

1 educational institutions, shall develop and adopt the content  
2 and a format for the report, including the ability of the  
3 data system to:

4 (1) connect student records from  
5 pre-kindergarten through post-graduate education;

6 (2) connect public school educator data to  
7 student data;

8 (3) match individual public school students'  
9 test records from year to year to measure academic growth,  
10 including student-level college and career readiness test  
11 scores;

12 (4) report the number and percentage of  
13 untested public school students by school district and by  
14 school and by major ethnic group, special education status,  
15 poverty status and gender;

16 (5) report high school longitudinal  
17 graduation and dropout data, including information that  
18 distinguishes between dropouts or students whose whereabouts  
19 are unknown and students who have transferred to other  
20 schools, including private schools or home schools, other  
21 school districts or other states;

22 (6) provide post-secondary remediation data,  
23 including assessment scores on exams used to determine the  
24 need for remediation;

25 (7) provide post-secondary remedial course

1 enrollment history, including the number and type of credit  
2 and noncredit remedial courses being taken;

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

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

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

14 (11) include data regarding students who  
15 have earned a high school equivalency credential in reporting  
16 post-secondary outcomes;

17 (12) report data collected for the educator  
18 accountability reporting system;

19 (13) report pre-kindergarten through  
20 post-graduate student-level enrollment data, demographic  
21 information and program participation information;

22 (14) report pre-kindergarten through  
23 post-graduate student-level transcript information, including  
24 information on courses completed, grades earned and  
25 cumulative grade point average;

1 (15) connect performance with financial  
2 information;

3 (16) establish and maintain a state data  
4 audit system to assess the quality, validity and reliability  
5 of data; and

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

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

11 "22-2-8.8. HIGH SCHOOL EQUIVALENCY CREDENTIAL.--The  
12 department shall issue a high school equivalency credential  
13 to any candidate who is at least sixteen years of age and who  
14 has successfully completed the high school equivalency  
15 credential tests."

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

19 "22-2C-11. ASSESSMENT AND ACCOUNTABILITY SYSTEM  
20 REPORTING--PARENT SURVEY--DATA SYSTEM--FISCAL INFORMATION.--

21 A. The department shall:

22 (1) issue a state identification number for  
23 each public school student for use in the accountability data  
24 system;

25 (2) adopt the format for reporting

1 individual student assessments to parents. The student  
2 assessments shall report each student's progress and academic  
3 needs as measured against state standards;

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

16 (4) require that when public schools, school  
17 districts, state-chartered charter schools and the state  
18 disaggregate and report school data for demographic  
19 subgroups, they include data disaggregated by ethnicity,  
20 race, limited English proficiency, students with  
21 disabilities, poverty and gender; provided that ethnicity and  
22 race shall be reported using the following categories:

23 (a) Caucasian, non-Hispanic;

24 (b) Hispanic;

25 (c) African American;

- 1 (d) American Indian or Alaska Native;  
2 (e) Native Hawaiian or other Pacific  
3 Islander;  
4 (f) Asian;  
5 (g) two or more races; and  
6 (h) other; provided that if the sample

7 of students in any category enumerated in Subparagraphs  
8 (a) through (g) of this paragraph is so small that a student  
9 in the sample may be personally identifiable in violation of  
10 the federal Family Educational Rights and Privacy Act of  
11 1974, the report may combine that sample into the "other"  
12 category;

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

21 (a) have graduated by August 1 of the  
22 fourth year after entering the ninth grade;

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

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

8 (d) have dropped out or whose status is  
9 unknown;

10 (e) have exited public school and  
11 indicated an intent to pursue a high school equivalency  
12 credential; or

13 (f) are still enrolled in public  
14 school;

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

23 (7) establish technical criteria and  
24 procedures to define which students are included or excluded  
25 from a cohort.



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

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

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

21                   (2) who have dropped out or whose status is  
22 unknown;

23                   (3) who have exited public school and  
24 indicated an intent to pursue a high school equivalency  
25 credential;

1 (4) who are still enrolled; and

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

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

21 (1) parent-teacher-school relationship and  
22 communication;

23 (2) quality of educational and  
24 extracurricular programs;

25 (3) instructional practices and techniques;

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

6 E. The department shall develop no more than ten

7 of the survey questions, which shall be reviewed by the

8 legislative education study committee prior to

9 implementation. No more than five survey questions shall be

10 developed by the local school board or governing body of a

11 state-chartered charter school, and no more than five survey

12 questions shall be developed by the staff of each public

13 school; provided that at least one-half of those questions

14 shall be developed by teachers rather than school

15 administrators, in order to gather information that is

16 specific to the particular community surveyed. The

17 questionnaires shall indicate the public school site and

18 shall be tabulated by the department within thirty days of

19 receipt and shall be returned to the respective schools to be

20 disseminated to all parents.

21 F. The school district's or state-chartered

22 charter school's annual accountability report shall be

23 adopted by the local school board or governing body of the

24 state-chartered charter school, shall be published no later

25 than November 15 of each year and shall be published at least

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

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

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

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

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

25 K. At the end of fiscal year 2005, after the

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

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

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

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

1 documented excusable reasons."

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

4 "22-5-4.9. HIGH SCHOOL DIPLOMAS--WORLD WAR II  
5 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  
12 school after 1940 and before 1951;

13 (3) was a resident of New Mexico and  
14 attended a high school in the locality of the current school  
15 district; 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  
21 credential or is deceased.

22 C. The department shall adopt and promulgate rules  
23 to carry out the provisions of this section, including:

24 (1) an application form to be submitted by  
25 the World War II veteran or a person acting on behalf of the

1 veteran if the veteran is incapacitated or deceased; and

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

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

6 "22-5-4.10. HIGH SCHOOL DIPLOMAS--KOREAN CONFLICT  
7 VETERANS.--

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

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

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

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

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

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

24 C. The department shall adopt and promulgate rules  
25 to carry out the provisions of this section, including:

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

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

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

11           "22-12-2. COMPULSORY SCHOOL ATTENDANCE--  
12 RESPONSIBILITY.--

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

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



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

5 C. Any parent of a school-age person subject to  
6 the 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  
11 students 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  
15 2007, Chapter 350, Section 3) is amended to read:

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

18 A. The following qualify as work activities:

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

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

23 (3) subsidized public sector employment;

24 (4) work experience;

25 (5) on-the-job training;

- 1 (6) job search and job readiness;
- 2 (7) community service programs;
- 3 (8) vocational education;
- 4 (9) job skills training activities directly  
5 related to employment;
- 6 (10) education directly related to  
7 employment;
- 8 (11) satisfactory attendance at a secondary  
9 school or course of study leading to a high school  
10 equivalency credential in the case of a participant who has  
11 not completed secondary school or received such a  
12 certificate; and
- 13 (12) the provision of child care services to  
14 a participant who is participating in a community service  
15 program.

16 B. The department shall recognize community  
17 service programs and job training programs that are operated  
18 by an Indian nation, tribe or pueblo.

19 C. The department may not require a participant to  
20 work more than four hours per week over the work requirement  
21 rate set pursuant to the federal act.

22 D. The department shall require a parent,  
23 caretaker or other adult who is a member of a benefit group  
24 to engage in a work activity.

25 E. Where best suited for the participant to

1 address barriers, the department may require the following  
2 work activities:

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

5 (2) participating in a certified alcohol or  
6 drug addiction program;

7 (3) in the case of a homeless benefit group,  
8 finding a home;

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

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

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

24 (1) participating in unpaid internships with  
25 private and government entities;

- 1 (2) refurbishing publicly assisted housing;  
2 (3) volunteering at a head start program or  
3 a school;  
4 (4) weatherizing low-income housing; and  
5 (5) restoring public sites and buildings,  
6 including monuments, parks, fire stations, police buildings,  
7 jails, libraries, museums, auditoriums, convention halls,  
8 hospitals, buildings for administrative offices and city  
9 halls.

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

23 H. A participant engaged in vocational education  
24 studies shall make reasonable efforts to obtain a loan,  
25 scholarship, grant or other assistance to pay for costs and

1 tuition, and the department shall disregard those amounts in  
2 the eligibility determination.

3 I. For as long as the described conditions exist,  
4 the following are exempt from the work requirement:

5 (1) a participant barred from engaging in a  
6 work activity because the participant has a temporary or  
7 permanent disability;

8 (2) a participant over age sixty;

9 (3) a participant barred from engaging in a  
10 work activity because the participant provides the sole care  
11 for a person with a disability;

12 (4) a single custodial parent caring for a  
13 child less than twelve months old for a lifetime total of  
14 twelve months;

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

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

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

25 (c) unavailability of appropriate and

1 affordable formal child-care arrangements as defined by the  
2 children, youth and families department;

3 (6) a pregnant woman during her last  
4 trimester of pregnancy;

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

8 (8) a participant who demonstrates by  
9 reliable medical, psychological or mental reports, court  
10 orders or police reports that family violence or threat of  
11 family violence effectively bars the participant from  
12 employment; and

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

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

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

1           "29-7C-3. QUALIFICATIONS FOR CERTIFICATION.--An  
2 applicant for certification shall provide evidence  
3 satisfactory to the board that the applicant:

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

6           B. holds a high school diploma or high school  
7 equivalency credential from an accredited institution;

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

10                   (1) felony charge; or

11                   (2) violation of a federal or state law, a  
12 local ordinance relating to aggravated assault or theft or a  
13 law involving moral turpitude within the three-year period  
14 immediately preceding the application;

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

17           E. is free from a physical, emotional or mental  
18 condition that might adversely affect the applicant's  
19 performance;

20           F. is of good moral character;

21           G. has met all other requirements for  
22 certification prescribed by the board; and

23           H. has received a certificate attesting to the  
24 applicant's completion of an approved basic telecommunicator  
25 training program from the director."

1 SECTION 16. Section 31-18-22 NMSA 1978 (being Laws  
2 1990, Chapter 51, Section 1) is amended to read:

3 "31-18-22. SPECIAL INCARCERATION ALTERNATIVE PROGRAM.--

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

17 B. Participation in the program shall be limited  
18 to those offenders sentenced on or after July 1, 1990.  
19 Offenders ineligible to participate in the program are  
20 offenders:

- 21 (1) sentenced to death;
- 22 (2) who have received a life sentence;
- 23 (3) with a record of prior confinement for a  
24 felony conviction;
- 25 (4) convicted of murder in the first or



1 second degree, child abuse resulting in death or great bodily  
2 harm, criminal sexual penetration in the first or second  
3 degree or criminal sexual contact with a minor;

4 (5) convicted of an offense carrying a  
5 mandatory sentence that cannot be suspended or deferred;

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

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

10 (8) who do not volunteer to participate in  
11 the program and who do not agree to the special conditions of  
12 probation for successful program participants.

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

21 D. If the sentencing court accepts the  
22 recommendation of the corrections department that the  
23 offender is suitable for participation in a special  
24 incarceration alternative program, the court shall resentence  
25 the offender to provide that, in the event the offender

1 successfully completes the program, the remainder of the  
2 sentence shall be suspended and the offender shall be placed  
3 on probation for the remainder of the term. The sentencing  
4 court shall be notified in writing by the corrections  
5 department of the offender's successful completion of the  
6 special incarceration alternative program.

7 E. The corrections department may contract for the  
8 design, construction and lease of a facility to house a  
9 special incarceration alternative program with public or  
10 private agencies, entities or persons capable of providing  
11 financing or construction of such a facility. The facility  
12 shall be operated by the corrections department.

13 F. Appropriate post-institutional treatment shall  
14 be made available by the corrections department to the  
15 offender."

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

18 "33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS  
19 DEDUCTIONS.--

20 A. To earn meritorious deductions, a prisoner  
21 confined in a correctional facility designated by the  
22 corrections department must be an active participant in  
23 programs recommended for the prisoner by the classification  
24 supervisor and approved by the warden or the warden's  
25 designee. Meritorious deductions shall not exceed the

1 following amounts:

2 (1) for a prisoner confined for committing a  
3 serious violent offense, up to a maximum of four days per  
4 month of time served;

5 (2) for a prisoner confined for committing a  
6 nonviolent offense, up to a maximum of thirty days per month  
7 of time served;

8 (3) for a prisoner confined following  
9 revocation of parole for the alleged commission of a new  
10 felony offense or for absconding from parole, up to a maximum  
11 of four days per month of time served during the parole term  
12 following revocation; and

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

16 (a) up to a maximum of eight days per  
17 month of time served during the parole term following  
18 revocation, if the prisoner was convicted of a serious violent  
19 offense or failed to pass a drug test administered as a  
20 condition of parole; or

21 (b) up to a maximum of thirty days per  
22 month of time served during the parole term following  
23 revocation, if the prisoner was convicted of a nonviolent  
24 offense.

25 B. A prisoner may earn meritorious deductions upon

1 recommendation by the classification supervisor, based upon  
2 the prisoner's active participation in approved programs and  
3 the quality of the prisoner's participation in those approved  
4 programs. A prisoner may not earn meritorious deductions  
5 unless the recommendation of the classification supervisor is  
6 approved by the warden or the warden's designee.

7 C. If a prisoner's active participation in  
8 approved programs is interrupted by a lockdown at a  
9 correctional facility, the prisoner may continue to be awarded  
10 meritorious deductions at the rate the prisoner was earning  
11 meritorious deductions prior to the lockdown, unless the  
12 warden or the warden's designee determines that the prisoner's  
13 conduct contributed to the initiation or continuance of the  
14 lockdown.

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

18 (1) for successfully completing an approved  
19 vocational, substance abuse or mental health program, one  
20 month; except when the prisoner has a demonstrable physical,  
21 mental health or developmental disability that prevents the  
22 prisoner from successfully earning a high school equivalency  
23 credential, in which case, the prisoner shall be awarded three  
24 months;

25 (2) for earning a high school equivalency

1 credential, three months;

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

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

6 (5) for earning a graduate qualification,  
7 five months; and

8 (6) for engaging in a heroic act of saving  
9 life or property, engaging in extraordinary conduct for the  
10 benefit of the state or the public that is at great expense or  
11 risk to or involves great effort on the part of the prisoner  
12 or engaging in extraordinary conduct far in excess of normal  
13 program assignments that demonstrates the prisoner's  
14 commitment to self-rehabilitation. The classification  
15 supervisor and the warden or the warden's designee may  
16 recommend the number of days to be awarded in each case based  
17 upon the particular merits, but any award shall be determined  
18 by the director of the adult institutions division of the  
19 corrections department or the director's designee.

20 E. Lump-sum meritorious deductions, provided in  
21 Paragraphs (1) through (6) of Subsection D of this section,  
22 may be awarded in addition to the meritorious deductions  
23 provided in Subsections A and B of this section. Lump-sum  
24 meritorious deductions shall not exceed one year per award and  
25 shall not exceed a total of one year for all lump-sum

1 meritorious deductions awarded in any consecutive twelve-month  
2 period.

3 F. A prisoner is not eligible to earn meritorious  
4 deductions if the prisoner:

5 (1) disobeys an order to perform labor,  
6 pursuant to Section 33-8-4 NMSA 1978;

7 (2) is in disciplinary segregation;

8 (3) is confined for committing a serious  
9 violent offense and is within the first sixty days of receipt  
10 by the corrections department; or

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

14 G. The provisions of this section shall not be  
15 interpreted as providing eligibility to earn meritorious  
16 deductions from a sentence of life imprisonment or a sentence  
17 of life imprisonment without possibility of release or parole.

18 H. The corrections department shall promulgate  
19 rules to implement the provisions of this section, and the  
20 rules shall be matters of public record. A concise summary of  
21 the rules shall be provided to each prisoner, and each  
22 prisoner shall receive a quarterly statement of the  
23 meritorious deductions earned.

24 I. A New Mexico prisoner confined in a federal or  
25 out-of-state correctional facility is eligible to earn

1 meritorious deductions for active participation in programs on  
2 the basis of the prisoner's conduct and program reports  
3 furnished by that facility to the corrections department. All  
4 decisions regarding the award and forfeiture of meritorious  
5 deductions at such facility are subject to final approval by  
6 the director of the adult institutions division of the  
7 corrections department or the director's designee.

8 J. In order to be eligible for meritorious  
9 deductions, a prisoner confined in a federal or out-of-state  
10 correctional facility designated by the corrections department  
11 must actively participate in programs that are available. If  
12 a federal or out-of-state correctional facility does not have  
13 programs available for a prisoner, the prisoner may be awarded  
14 meritorious deductions at the rate the prisoner could have  
15 earned meritorious deductions if the prisoner had actively  
16 participated in programs.

17 K. A prisoner confined in a correctional facility  
18 in New Mexico that is operated by a private company, pursuant  
19 to a contract with the corrections department, is eligible to  
20 earn meritorious deductions in the same manner as a prisoner  
21 confined in a state-run correctional facility. All decisions  
22 regarding the award or forfeiture of meritorious deductions at  
23 such facilities are subject to final approval by the director  
24 of the adult institutions division of the corrections  
25 department or the director's designee.

1 L. As used in this section:

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

4 (2) "program" means work, vocational,  
5 educational, substance abuse and mental health programs,  
6 approved by the classification supervisor, that contribute to  
7 a prisoner's self-betterment through the development of  
8 personal and occupational skills. "Program" does not include  
9 recreational activities;

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

12 (4) "serious violent offense" means:

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

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

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

19 (d) third degree aggravated battery  
20 against a household member, as provided in Section 30-3-16  
21 NMSA 1978;

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

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



1 (g) second and third degree criminal  
2 sexual contact of a minor, as provided in Section 30-9-13 NMSA  
3 1978;

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

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

8 (j) shooting at a dwelling or occupied  
9 building, as provided in Section 30-3-8 NMSA 1978;

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

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

14 (m) assault with intent to commit a  
15 violent felony upon a peace officer, as provided in Section  
16 30-22-23 NMSA 1978;

17 (n) aggravated assault upon a peace  
18 officer, as provided in Section 30-22-22 NMSA 1978; or

19 (o) any of the following offenses, when  
20 the nature of the offense and the resulting harm are such that  
21 the court judges the crime to be a serious violent offense for  
22 the purpose of this section: 1) involuntary manslaughter, as  
23 provided in Section 30-2-3 NMSA 1978; 2) fourth degree  
24 aggravated assault, as provided in Section 30-3-2 NMSA 1978;  
25 3) third degree assault with intent to commit a violent

1 felony, as provided in Section 30-3-3 NMSA 1978; 4) fourth  
2 degree aggravated assault against a household member, as  
3 provided in Section 30-3-13 NMSA 1978; 5) third degree assault  
4 against a household member with intent to commit a violent  
5 felony, as provided in Section 30-3-14 NMSA 1978; 6) third and  
6 fourth degree aggravated stalking, as provided in Section  
7 30-3A-3.1 NMSA 1978; 7) second degree kidnapping, as provided  
8 in Section 30-4-1 NMSA 1978; 8) second degree abandonment of a  
9 child, as provided in Section 30-6-1 NMSA 1978; 9) first,  
10 second and third degree abuse of a child, as provided in  
11 Section 30-6-1 NMSA 1978; 10) third degree dangerous use of  
12 explosives, as provided in Section 30-7-5 NMSA 1978; 11) third  
13 and fourth degree criminal sexual penetration, as provided in  
14 Section 30-9-11 NMSA 1978; 12) fourth degree criminal sexual  
15 contact of a minor, as provided in Section 30-9-13 NMSA 1978;  
16 13) third degree robbery, as provided in Section 30-16-2 NMSA  
17 1978; 14) third degree homicide by vehicle or great bodily  
18 harm by vehicle, as provided in Section 66-8-101 NMSA 1978; or  
19 15) battery upon a peace officer, as provided in Section  
20 30-22-24 NMSA 1978.

21 M. Except for sex offenders, as provided in  
22 Section 31-21-10.1 NMSA 1978, an offender sentenced to  
23 confinement in a correctional facility designated by the  
24 corrections department who has been released from confinement  
25 and who is serving a parole term may be awarded earned

1 meritorious deductions of up to thirty days per month upon  
2 recommendation of the parole officer supervising the offender,  
3 with the final approval of the adult parole board. The  
4 offender must be in compliance with all the conditions of the  
5 offender's parole to be eligible for earned meritorious  
6 deductions. The adult parole board may remove earned  
7 meritorious deductions previously awarded if the offender  
8 later fails to comply with the conditions of the offender's  
9 parole. The corrections department and the adult parole board  
10 shall promulgate rules to implement the provisions of this  
11 subsection. This subsection applies to offenders who are  
12 serving a parole term on or after July 1, 2004."

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

15 "33-11-3. REGULATIONS.--

16 A. The corrections department, by July 1, 1988,  
17 shall adopt regulations for all adult correctional  
18 institutions operated by the department for the implementation  
19 of a mandatory education program for all inmates to attain a  
20 minimum education standard as set forth in this section.

21 B. The regulations shall apply only to any inmate  
22 who:

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

25 (2) has eighteen months or more remaining to

1 be served on the inmate's sentence of incarceration; and who:

2 (a) is not exempted due to a medical,  
3 developmental or learning disability; or

4 (b) does not possess a high school  
5 equivalency credential or a high school diploma.

6 C. The regulations adopted shall require that:

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

9 (a) in 1988, the education standard  
10 shall be the equivalent of grade six in reading and math on  
11 the test of adult basic education;

12 (b) in 1989, the education standard  
13 shall be the equivalent of grade seven in reading and math on  
14 the test of adult basic education;

15 (c) in 1990, the education standard  
16 shall be the equivalent of grade eight in reading and math on  
17 the test of adult basic education; and

18 (d) in 1991, the education standard  
19 shall be a high school diploma or a high school equivalency  
20 credential;

21 (2) inmates who meet the criteria in  
22 Subsection B of this section shall be required to participate  
23 in education programs for ninety days. After ninety days,  
24 inmates may choose to withdraw from educational programs but  
25 will be subject to the provisions of Paragraph (3) of this

1 subsection; and

2 (3) notwithstanding any other provision  
3 of law, inmates who are subject to these regulations but  
4 who refuse or choose not to participate shall not be  
5 eligible for monetary compensation for work performed or  
6 for meritorious deduction as set forth in Subsection D of  
7 Section 33-2-34 NMSA 1978.

8 D. The regulations may:

9 (1) exclude any inmate who has been  
10 incarcerated for less than ninety days in an institution  
11 controlled by the corrections department;

12 (2) exclude any inmate who is assigned a  
13 minimum custody classification; or

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

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

18 "35-2-1. QUALIFICATION--PERSONAL QUALIFICATIONS.--

19 A. Each magistrate shall be a qualified elector  
20 of, and reside in, the magistrate district for which the  
21 magistrate is elected or appointed.

22 B. No person is eligible for election or  
23 appointment to the office of magistrate unless the person has  
24 graduated from high school or has attained the equivalent of a  
25 high school education as indicated by possession of a high

1 school equivalency credential issued by the public education  
2 department based upon the record made on the high school  
3 equivalency credential test.

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

8 (1) is a member of the bar of this state and  
9 licensed to practice law in this state; or

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

13 D. In magistrate districts with a population of  
14 more than two hundred thousand persons in the last federal  
15 decennial census, no person is eligible for appointment to the  
16 office of magistrate unless the person is a member of the bar  
17 of this state and licensed to practice law in this state.

18 E. A person holding the office of magistrate shall  
19 not engage in the private practice of law during tenure in  
20 office."

21 SECTION 20. Section 52-1-26.3 NMSA 1978 (being Laws  
22 1990 (2nd S.S.), Chapter 2, Section 14, as amended) is amended  
23 to read:

24 "52-1-26.3. PARTIAL DISABILITY DETERMINATION--EDUCATION  
25 MODIFICATION.--

1           A. The range of the education modification is one  
2 to eight. The modification shall be based upon the worker's  
3 formal education, skills and training at the time of the  
4 disability rating.

5           B. A worker shall be awarded points based on the  
6 formal education that the worker has received. A worker who:

7                   (1) has completed no higher than the fifth  
8 grade shall be awarded three points;

9                   (2) has completed the sixth grade but has  
10 completed no higher than the eleventh grade shall be awarded  
11 two points;

12                   (3) has completed the twelfth grade or has  
13 obtained a high school equivalency credential but has not  
14 completed a college degree shall be awarded one point; and

15                   (4) has completed a college degree or more  
16 shall receive zero points.

17           C. A worker shall be awarded points based upon the  
18 worker's skills. Skills shall be measured by reviewing the  
19 jobs that the worker has successfully performed during the ten  
20 years preceding the date of disability determination. For the  
21 purposes of this section, "successfully performed" means  
22 having remained on the job the length of time necessary to  
23 meet the specific vocational preparation (SVP) time  
24 requirement for that job as established in the dictionary of  
25 occupational titles published by the United States department

1 of labor. The appropriate award of points shall be based upon  
2 the highest SVP level demonstrated by the worker in the  
3 performance of the jobs that the worker has successfully  
4 performed in the ten-year period preceding the date of  
5 disability determination, as follows:

6 (1) a worker with an SVP of one to two shall  
7 be awarded four points;

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

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

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

14 D. A worker shall be awarded points based upon the  
15 training that the worker has received. A worker who cannot  
16 competently perform a specific vocational pursuit shall be  
17 awarded one point. A worker who can perform a specific  
18 vocational pursuit shall not receive any points.

19 E. The sum of the points awarded the worker in  
20 Subsections B, C and D of this section shall constitute the  
21 education modification."

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

24 "58-28-5. USE OF MONEY--ELIGIBLE ACTIVITIES.--

25 A. Money from the fund and other sources may be



1 used to finance in whole or in part any loans or grant  
2 projects that will provide housing for low-income persons and  
3 for other uses specified in this section. Money deposited  
4 into the fund may be used annually as follows:

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

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

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

13 (4) no more than ten percent of the fund may  
14 be allocated for use to provide scholarships for New Mexico  
15 high school graduates and high school equivalency credential  
16 recipients at New Mexico public post-secondary educational  
17 institutions under a program approved by the trustee under the  
18 administration of a nonprofit statewide land title  
19 association; and

20 (5) the remaining balance may be allocated  
21 to eligible organizations for other housing-related programs  
22 for the benefit of the public as specifically approved by the  
23 trustee from time to time.

24 B. Money in the capital fund authorized in  
25 Paragraph (2) of Subsection A of this section may be invested

1 in fully amortizing interest-bearing mortgages secured by real  
2 property in New Mexico, the interest on which may be used for  
3 purposes specified in this section."

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

6 "58-30-8. ALLOWABLE USES--WITHDRAWALS FROM INDIVIDUAL  
7 DEVELOPMENT ACCOUNTS--FORFEITURE OF MATCHING FUNDS FROM  
8 RESERVE ACCOUNT--LOSS OF ELIGIBLE INDIVIDUAL STATUS.--

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

11 (1) expenses to attend an approved  
12 post-secondary or vocational educational institution,  
13 including payment for tuition, books, supplies and equipment  
14 required for courses;

15 (2) costs to acquire or construct a  
16 principal residence as defined in rules adopted pursuant to  
17 the Individual Development Account Act that is the first  
18 principal residence acquired or constructed by the account  
19 owner;

20 (3) costs of major home improvements or  
21 repairs on the home of the account owner;

22 (4) capitalization or costs to start or  
23 expand a business, including capital, plant, equipment,  
24 operational and inventory expenses, attorney and accountant  
25 fees and other costs normally associated with starting or

1 expanding a business;

2 (5) acquisition of a vehicle necessary to  
3 obtain or maintain employment by an account owner or the  
4 spouse of an account owner; and

5 (6) in the case of a deceased account owner,  
6 amounts deposited by the account owner and held in an  
7 individual development account shall be distributed directly  
8 to the account owner's spouse, or if the spouse is deceased or  
9 there is no spouse, to a dependent or other named beneficiary  
10 of the deceased or if the recipient is eligible to maintain  
11 the account, the account and matching funds designated for  
12 that account from a reserve account may be transferred and  
13 maintained in the name of the surviving spouse, dependent or  
14 beneficiary.

15 B. Unless otherwise approved by the program  
16 administrator pursuant to the provisions of Subsection D of  
17 this section, account owners qualifying as eligible  
18 individuals pursuant to the provisions of Subsection B or C of  
19 Section 58-30-4 NMSA 1978 shall not be permitted to withdraw  
20 money from an individual development account until such time  
21 as the account owners have completed a high school curriculum  
22 at a public or accredited private New Mexico high school or  
23 received a high school equivalency credential.

24 C. Except as provided in Subsection D of this  
25 section, if an account owner withdraws money from an

1 individual development account for a use other than an  
2 allowable use, the account owner forfeits a proportionate  
3 amount of matching funds from the reserve account, as set  
4 forth in the agreement between the program administrator and  
5 the account owner.

6 D. The program administrator may approve a  
7 withdrawal by an account owner from an individual development  
8 account to be used for a purpose other than an allowable use  
9 only for serious emergencies as specified in the rules adopted  
10 by the office. For such an approved withdrawal, the  
11 proportionate matching funds in the reserve account shall  
12 remain in the reserve account for twelve months following the  
13 withdrawal and, if an amount equal to the withdrawn money is  
14 redeposited in the individual development account within the  
15 twelve months, the matching funds shall again be available to  
16 match withdrawals for allowable uses.

17 E. At the request of the account owner and with  
18 the written approval of the program administrator, amounts may  
19 be withdrawn from the account owner's individual development  
20 account and deposited in another individual development  
21 account established for an eligible individual who is the  
22 account owner's spouse or dependent."

23 SECTION 23. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2015. \_\_\_\_\_