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AN ACT

RELATING TO HIGHER EDUCATION; REQUIRING PRIVATE POST-  
SECONDARY EDUCATIONAL INSTITUTIONS TO DISCLOSE CERTAIN  
INFORMATION TO PROSPECTIVE STUDENTS.

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

SECTION 1. Section 21-23-3 NMSA 1978 (being Laws 1971,  
Chapter 303, Section 3, as amended) is amended to read:

"21-23-3. DEFINITIONS.--As used in the Post-Secondary  
Educational Institution Act:

A. "career school" means a private post-secondary  
educational institution offering a formal educational  
curriculum in New Mexico for a fee to members of the general  
public beyond compulsory school age, terminating in a  
certificate, diploma, associate degree or comparable  
confirmation of completion of the curriculum;

B. "college" or "university" means a private post-  
secondary educational institution offering a formal  
educational curriculum in New Mexico for a fee to members of  
the general public beyond compulsory school age, terminating  
in a baccalaureate, master's or doctoral degree or comparable  
confirmation of completion of the curriculum;

C. "department" means the higher education  
department;

D. "enrollment agreement" means an agreement,

1 instrument or note executed before a person begins coursework  
2 that creates a binding obligation between the person and the  
3 post-secondary educational institution;

4 E. "license" means a written acknowledgment by the  
5 department that a career school or nonregionally accredited  
6 college or university has met the requirements of the  
7 department for offering a formal educational curriculum  
8 within New Mexico;

9 F. "post-secondary educational institution"  
10 includes an academic, vocational, technical, business,  
11 professional or other school, college or university or other  
12 organization or person offering or purporting to offer  
13 courses, instruction, training or education from a physical  
14 site in New Mexico, through distance education,  
15 correspondence or in person;

16 G. "private post-secondary educational  
17 institution" means a nonpublicly funded post-secondary  
18 educational institution that offers post-secondary education  
19 for a fee to members of the general public;

20 H. "prospective student" means a person who  
21 demonstrates interest in signing an enrollment agreement with  
22 a post-secondary educational institution; and

23 I. "registration" means a written acknowledgment  
24 by the department that a regionally accredited college or  
25 university has filed pertinent curriculum and enrollment

1 information, as required by the department, and is authorized  
2 to operate a private post-secondary educational institution."

3 SECTION 2. A new section of the Post-Secondary  
4 Educational Institution Act is enacted to read:

5 "DISCLOSURE REQUIREMENTS.--

6 A. Every private post-secondary educational  
7 institution shall disclose to every prospective student prior  
8 to enrollment the total estimated cost of attendance for the  
9 prospective student's program, including:

10 (1) tuition and fees normally assessed a  
11 student carrying the same academic workload as determined by  
12 the private post-secondary educational institution, including  
13 costs for rental or purchase of any equipment, materials or  
14 supplies required of all students in the same program;

15 (2) an allowance for books, supplies,  
16 transportation and miscellaneous personal expenses, including  
17 a reasonable allowance for the documented rental or purchase  
18 of a personal computer, for a student attending the private  
19 post-secondary educational institution on at least a half-  
20 time basis, as determined by the institution;

21 (3) an allowance, as determined by the  
22 private post-secondary educational institution, for room and  
23 board costs incurred by the student that, for:

24 (a) a student without dependents  
25 residing in that institution's owned or operated housing,

1 shall be a standard allowance determined by the institution  
2 based on the amount normally assessed most of its residents  
3 for room and board; and

4 (b) a student who lives in housing  
5 located on a military base or for which a basic allowance is  
6 provided under federal law, shall be an allowance based on  
7 the expenses reasonably incurred by such students for board  
8 but not for room;

9 (4) for a less than half-time student, as  
10 determined by the private post-secondary educational  
11 institution, tuition and fees and an allowance for only:

12 (a) books, supplies and transportation,  
13 as determined by the institution; and

14 (b) room and board costs, as determined  
15 in accordance with Paragraph (3) of this subsection;

16 (5) for a New Mexico student engaged in a  
17 program by correspondence within New Mexico, only tuition and  
18 fees and, if required, books and supplies, travel and room  
19 and board costs incurred specifically in fulfilling a  
20 required period of residential training;

21 (6) for an incarcerated student, only  
22 tuition and fees and, if required, books and supplies;

23 (7) for a student enrolled in an academic  
24 program in a program of study abroad approved for credit by  
25 the student's home private post-secondary educational

1 institution, reasonable costs associated with such study, as  
2 determined by the private post-secondary educational  
3 institution at which the student is enrolled;

4 (8) for a student with a disability, an  
5 allowance, as determined by the private post-secondary  
6 educational institution, for those expenses related to the  
7 student's disability, including special services, personal  
8 assistance, transportation, equipment and supplies that are  
9 reasonably incurred and not provided for by other assisting  
10 agencies;

11 (9) for a New Mexico student receiving all  
12 or part of the student's instruction by means of  
13 telecommunications technology within New Mexico, no  
14 distinction shall be made with respect to the mode of  
15 instruction in determining costs; and

16 (10) at the option of the private post-  
17 secondary educational institution, for a student in a program  
18 requiring professional licensure or certification, the  
19 one-time cost of obtaining the first professional  
20 credentials, as determined by the institution.

21 B. Every private post-secondary educational  
22 institution shall disclose to every prospective student prior  
23 to enrollment:

24 (1) the length in semesters of the  
25 prospective student's program;

1 (2) the number of credit hours, or the  
2 equivalent information, required to complete the prospective  
3 student's program;

4 (3) the private post-secondary educational  
5 institution's cancellation and refund policy;

6 (4) the completion rates for both full-time  
7 and part-time students of the prospective student's program;

8 (5) the withdrawal rates of students  
9 pursuing the prospective student's program;

10 (6) the average combined loan debt for  
11 federal loans, institutional loans and private loans  
12 certified by the private post-secondary educational  
13 institution, for all students who completed the prospective  
14 student's program during the most recently completed award  
15 year;

16 (7) the placement rate for the prospective  
17 student's program, if the private post-secondary educational  
18 institution is required by its accrediting agency to  
19 calculate a placement rate for the prospective student's  
20 program or institution, or both, using the required  
21 methodology of the accrediting agency;

22 (8) whether the prospective student's  
23 program satisfies the applicable educational prerequisites  
24 for professional licensure or certification in the state; and

25 (9) the average earnings at ten years after

1 entering the private post-secondary educational institution  
2 of former students of the institution who received federal  
3 financial aid, if available.

4 C. The disclosure information required pursuant to  
5 Subsections A and B of this section shall be transmitted to  
6 the department and prominently displayed:

7 (1) in a letter or an email message to the  
8 prospective student that does not contain:

9 (a) information about a program other  
10 than a program in which the prospective student has expressed  
11 interest; or

12 (b) any other substantive information;  
13 and

14 (2) on the publicly available website of  
15 each private post-secondary educational institution, if any.

16 D. The private post-secondary educational  
17 institution shall maintain records of the institution's  
18 efforts to provide the information described in Subsections A  
19 and B of this section to a prospective student for at least  
20 five years after the student enrolls at the institution."

21 **SECTION 3. EFFECTIVE DATE.**--The effective date of the  
22 provisions of this act is January 1, 2021. \_\_\_\_\_