

1 HOUSE BILL 371

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO HIGHER EDUCATION; CHANGING THE SHORT TITLE OF  
12 CHAPTER 21, ARTICLE 22H NMSA 1978 TO THE "SCHOOL PERSONNEL LOAN  
13 REPAYMENT ACT"; INCLUDING INSTRUCTIONAL SUPPORT PROVIDERS IN  
14 THE ACT.  
15

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

17 SECTION 1. Section 21-22H-1 NMSA 1978 (being Laws 2013,  
18 Chapter 177, Section 1, as amended) is amended to read:

19 "21-22H-1. SHORT TITLE.--Chapter 21, Article 22H NMSA  
20 1978 may be cited as the "[~~Teacher~~] School Personnel Loan  
21 Repayment Act"."

22 SECTION 2. Section 21-22H-2 NMSA 1978 (being Laws 2013,  
23 Chapter 177, Section 2) is amended to read:

24 "21-22H-2. PURPOSE.--The purpose of the [~~Teacher~~] School  
25 Personnel Loan Repayment Act is to increase the number of

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1 teachers in designated [~~high-risk~~] high-need teacher positions  
2 and to increase the number of instructional support providers  
3 in public schools through an educational loan repayment  
4 program. The act provides for repayment of the principal and  
5 reasonable interest accrued on loans obtained from the federal  
6 government for teacher and instructional support provider  
7 education purposes."

8 SECTION 3. Section 21-22H-3 NMSA 1978 (being Laws 2013,  
9 Chapter 177, Section 3, as amended) is amended to read:

10 "21-22H-3. DEFINITIONS.--As used in the [~~Teacher~~] School  
11 Personnel Loan Repayment Act:

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

14 B. "designated high-need teacher positions" means  
15 teacher positions in specific public schools that are:

16 (1) for teachers who are endorsed and teach  
17 bilingual education;

18 (2) for teachers who are endorsed and teach  
19 early childhood education or special education;

20 (3) for teachers who are endorsed and teach  
21 science, technology, engineering, mathematics or career  
22 technical education courses; or

23 (4) for teachers who are minorities; and

24 (5) in a public school that is low-performing  
25 or serves a high percentage of economically disadvantaged

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1 students; [~~and~~]

2 C. "instructional support provider" means a person  
3 who is employed to support the instructional program of a  
4 school district or charter school, including an educational  
5 assistant, school counselor, educational diagnostician, social  
6 worker, school nurse, speech-language pathologist,  
7 psychologist, physical therapist, physical therapy assistant,  
8 occupational therapist, occupational therapy assistant,  
9 recreational therapist, behavior specialist, marriage and  
10 family therapist, interpreter for the deaf, rehabilitation  
11 counselor, behavioral therapist, alcohol, drug and substance  
12 abuse counselor, substance abuse associate and other  
13 practitioners designated by law or rule of the department;

14 [~~G.~~] D. "loan" means a grant of money to defray the  
15 costs incidental to a [~~teacher~~] teacher's or instructional  
16 support provider's education, under a contract between the  
17 federal government and a teacher or instructional support  
18 provider, requiring repayment of principal and interest; and

19 E. "school personnel" means teachers and  
20 instructional support providers."

21 SECTION 4. Section 21-22H-4 NMSA 1978 (being Laws 2013,  
22 Chapter 177, Section 4, as amended) is amended to read:

23 "21-22H-4. DEPARTMENT POWERS AND DUTIES--~~[TEACHER]~~ SCHOOL  
24 PERSONNEL ELIGIBILITY--QUALIFICATIONS.--

25 A. The department may grant a loan repayment award

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1 to repay loans obtained [~~for the teacher~~] by school personnel  
2 for educational expenses [~~of a teacher~~] upon such terms and  
3 conditions as may be imposed by rules of the department.

4 B. Applicants shall be New Mexico licensed [~~New~~  
5 ~~Mexico teachers~~] school personnel who are bona fide citizens  
6 and residents of the United States and of New Mexico and have  
7 taught or provided instructional support for at least three  
8 years in New Mexico. High priority shall be given to  
9 applicants who are teaching in designated high-need teacher  
10 positions or providing instructional support in instructional  
11 support provider positions in the state.

12 C. The department and the public education  
13 department shall jointly make a full and careful investigation  
14 of the ability and qualifications of each applicant and  
15 determine the fitness of [~~a teacher~~] the applicant to  
16 participate in the [~~teacher~~] school personnel loan repayment  
17 program."

18 SECTION 5. Section 21-22H-5 NMSA 1978 (being Laws 2013,  
19 Chapter 177, Section 5, as amended) is amended to read:

20 "21-22H-5. LOAN REPAYMENT AWARD CRITERIA--CONTRACT  
21 TERMS--PAYMENT.--

22 A. Loan repayment award criteria shall provide  
23 that:

24 (1) for high-priority applicants, award  
25 amounts shall be dependent upon a specific public school's need

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1 for the designated high-need teacher position or instructional  
2 support provider position, as determined by the public  
3 education department, the [~~teacher's~~] applicant's total  
4 [~~teacher~~] applicable education indebtedness and available  
5 balances in the [~~teacher~~] school personnel loan repayment fund;

6 (2) award amounts for other [~~teachers~~]  
7 applicants shall be based on the need for a teacher or  
8 instructional support provider position that can be filled by  
9 the applicant, as determined by the public education  
10 department, the [~~teacher's~~] applicant's total [~~teacher~~]  
11 applicable education indebtedness and available balances in the  
12 [~~teacher~~] school personnel loan repayment fund;

13 (3) preference in making awards shall be to  
14 [~~teachers~~] applicants who have graduated from a New Mexico  
15 public post-secondary educational institution;

16 (4) award amounts shall not exceed six  
17 thousand dollars (\$6,000) per year and may be modified based  
18 upon funding availability or other special circumstances; and

19 (5) the total amount of awards made to any one  
20 teacher or instructional support provider shall not exceed the  
21 total [~~teacher~~] applicable education indebtedness remaining for  
22 that teacher or instructional support provider.

23 B. The following [~~teacher~~] education debts are not  
24 eligible for repayment pursuant to the [~~Teacher~~] School  
25 Personnel Loan Repayment Act:

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1 (1) amounts incurred as a result of  
2 participation in state loan-for-service programs or other state  
3 programs whose purpose states that service be provided in  
4 exchange for financial assistance;

5 (2) scholarships that have a service component  
6 or obligation;

7 (3) loans from a commercial lender;

8 (4) personal loans from friends or relatives;

9 and

10 (5) loans that exceed individual standard  
11 school expense levels.

12 C. Every loan repayment award shall be evidenced by  
13 a contract between the teacher or instructional support  
14 provider and the department acting on behalf of the state. The  
15 contract shall provide for the payment by the state of a stated  
16 sum each year to the teacher's or instructional support  
17 provider's federal government lender not to exceed six thousand  
18 dollars (\$6,000) per year and shall state the obligations of  
19 the teacher or instructional support provider under the  
20 program, including a minimum two-school-year period of service,  
21 quarterly reporting requirements and other obligations  
22 established by the department. Execution of contracts shall  
23 occur prior to the start of a school year and the two-school-  
24 year period of service starts at the execution of the contract.

25 D. The department shall make annual payments

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1 pursuant to contracts only after satisfactory completion of a  
2 full year of teaching or instructional support as certified by  
3 the public education department. The contract of any teacher  
4 or instructional support provider who does not complete a full  
5 year of teaching or instructional support shall be voided, and  
6 the teacher or instructional support provider shall forfeit any  
7 right to that year's payment pursuant to the contract.

8 E. Each contract shall be for an initial two-year  
9 period and may be extended for three additional two-year  
10 contracts. The department shall not enter into any contracts  
11 with a single teacher or instructional support provider for  
12 more than eight years of repayment.

13 F. Loan repayment awards shall be in the form of  
14 payments from the ~~[teacher]~~ school personnel loan repayment  
15 fund directly to the federal government lender of a teacher or  
16 instructional support provider who has received the award and  
17 shall be considered a payment on behalf of the teacher or  
18 instructional support provider pursuant to the contract between  
19 the department and the teacher or instructional support  
20 provider. A loan repayment award shall not obligate the state  
21 or the department to the teacher's or instructional support  
22 provider's federal government lender for any other payment and  
23 shall not be considered to create any privity of contract  
24 between the state or the department and the lender.

25 G. The department, after consulting with the public

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1 education department, shall adopt rules to implement the  
2 provisions of the [~~Teacher~~] School Personnel Loan Repayment  
3 Act. The rules shall provide:

4 (1) a procedure for determining the amount of  
5 a loan that will be repaid for each year of service; and

6 (2) for the disbursement of loan repayment  
7 awards to a teacher's or instructional support provider's  
8 federal government lender in annual installments after  
9 completion of each qualifying full year of teaching or  
10 instructional support."

11 SECTION 6. Section 21-22H-6 NMSA 1978 (being Laws 2013,  
12 Chapter 177, Section 6) is amended to read:

13 "21-22H-6. CONTRACTS--ENFORCEMENT.--The general form of a  
14 contract required pursuant to the [~~Teacher~~] School Personnel  
15 Loan Repayment Act shall be prepared and approved by the  
16 attorney general, and each contract shall be signed by the  
17 teacher or instructional support provider and the designated  
18 representative of the department on behalf of the state. The  
19 department is vested with full and complete authority and power  
20 to sue in its own name for any balance due the state from a  
21 teacher or instructional support provider under any such  
22 contract."

23 SECTION 7. Section 21-22H-7 NMSA 1978 (being Laws 2013,  
24 Chapter 177, Section 7, as amended) is amended to read:

25 "21-22H-7. [~~TEACHER~~] SCHOOL PERSONNEL LOAN REPAYMENT FUND  
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1       CREATED--METHOD OF PAYMENT.--The "~~teacher~~ school personnel  
2       loan repayment fund" is created in the state treasury. All  
3       money appropriated for the ~~teacher~~ school personnel loan  
4       repayment program shall be credited to the fund, and any  
5       repayment of awards and interest received by the department  
6       shall be credited to the fund. Income from the fund shall be  
7       credited to the fund, and balances in the fund shall not revert  
8       to any other fund. Money in the fund is subject to  
9       appropriation by the legislature to the department for making  
10      loan repayment awards pursuant to the ~~Teacher~~ School  
11      Personnel Loan Repayment Act. All payments for loan repayment  
12      awards shall be made upon vouchers signed by the designated  
13      representative of the department and upon a warrant issued by  
14      the secretary of finance and administration."

15               SECTION 8. Section 21-22H-8 NMSA 1978 (being Laws 2013,  
16      Chapter 177, Section 8) is amended to read:

17               "21-22H-8. CANCELLATION.--The department may cancel any  
18      contract made between it and a teacher or instructional support  
19      provider pursuant to the ~~Teacher~~ School Personnel Loan  
20      Repayment Act for any reasonable cause deemed sufficient by the  
21      department."

22               SECTION 9. Section 21-22H-9 NMSA 1978 (being Laws 2013,  
23      Chapter 177, Section 9, as amended) is amended to read:

24               "21-22H-9. REPORTS.--Prior to each regular session of the  
25      legislature, the department shall make annual reports to the

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1 governor and the legislature of the department's activities  
2 pertaining to the ~~[Teacher]~~ School Personnel Loan Repayment  
3 Act; the loan repayment awards granted; the names and addresses  
4 of ~~[teachers]~~ school personnel who received loan repayment  
5 awards; the names and locations of the positions filled by  
6 those ~~[teachers]~~ school personnel; the name of each teacher or  
7 instructional support provider who received a loan repayment  
8 award who is not serving in a designated high-need teacher  
9 position or instructional support provider position, the amount  
10 owed on each teacher's or instructional support provider's loan  
11 and the amount paid on each teacher's or instructional support  
12 provider's loan by loan repayment awards; and the number of  
13 ~~[teachers]~~ school personnel whose contracts were voided because  
14 they did not complete a full year of teaching or instructional  
15 support."

16 SECTION 10. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2023.

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