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CHAPTER 122

SENATE BILL 357

Introduced by

SENATOR DANIEL A. IVEY-SOTO AND REPRESENTATIVE NORA ESPINOZA
SENATOR GAY G. KERNAN
CHAPTER 122

AN ACT

REPLACING THE TERMS "GENERAL EDUCATION DIPLOMA", "GENERAL
EDUCATION DEVELOPMENT CERTIFICATE", "GENERAL EDUCATIONAL
DEVELOPMENT CERTIFICATE", "CERTIFICATE OF GENERAL
EQUIVALENCY", "GENERAL EQUIVALENCY DIPLOMA CERTIFICATE",
"GED CERTIFICATE", "HIGH SCHOOL EQUIVALENCY DIPLOMA",
"CERTIFICATE OF EQUIVALENCY" AND "GENERAL EQUIVALENCY
DIPLOMA" WITH THE TERM "HIGH SCHOOL EQUIVALENCY CREDENTIAL".

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

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

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

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

B. In determining the standard of requirements for
admission to their respective institutions, boards of regents
shall not require a student who has completed the
requirements of a home-based or nonpublic school educational
program and who has submitted test scores that otherwise
qualify the student for admission to that institution to
obtain or submit proof of having obtained a high school
equivalency credential. In determining requirements for
admission, boards of regents shall evaluate and treat
applicants from home-based educational programs or nonpublic
schools fairly and in a nondiscriminatory manner."

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

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

SECTION 3. Section 21-1-1.2 NMSA 1978 (being Laws 2007,
Chapter 227, Section 1, as amended) is amended to read:
"21-1-1.2. DUAL CREDIT FOR HIGH SCHOOL AND

POST-SECONDARY CLASSES.--

A. As used in this section:

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

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

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

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

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

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

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

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

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

D. The high school that the student primarily
attends shall pay the cost of the required textbooks and
other course supplies for the post-secondary course the
student is enrolled in through purchase arrangements with the
bookstore at the public post-secondary educational
institution or tribal college or through other cost-efficient
methods. The student shall return the textbooks and unused
course supplies to the high school when the student completes
the course or withdraws from the course.

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

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

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

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

(2) conditions that apply, including:
(a) the required academic standing and
conduct of students enrolled in dual credit courses;
(b) the semesters in which dual credit
courses may be taken;
(c) the nature of high school credit earned;
(d) any caps on the number of courses, location of courses and provision of transcripts; and
(e) an appeals process for a student who is denied permission to enroll in a dual credit course;
(3) accommodations or other arrangements applicable to special education students;
(4) the contents of the uniform master agreement that govern the roles, responsibilities and liabilities of the high school, the public post-secondary educational institution or tribal college and the student and the student's family;
(5) provisions for expanding dual credit opportunities through distance learning and other methods;
(6) the means by which school districts, charter schools and state-supported schools are required to inform students and parents about opportunities to participate in dual credit programs during student advisement, academic support and formulation of annual next step plans, as well as other methods; and
(7) provisions for collecting and disseminating annual data, including:
(a) the number of students taking dual credit courses;
(b) the participating high schools,
public post-secondary educational institutions and tribal
colleges;
(c) the courses taken and grades
earned;
(d) the high school graduation rates
for participating school districts, charter schools and
state-supported schools;
(e) the public post-secondary
educational institutions and tribal colleges that
participating students ultimately attend; and
(f) the cost of providing dual credit
courses.

H. The higher education department and the public
education department shall evaluate the dual credit program
in terms of its accessibility to students statewide and its
effect on:
(1) student achievement in secondary
education;
(2) student enrollment and completion of
higher education; and
(3) high schools, public post-secondary
educational institutions and tribal colleges.

I. The departments shall make an annual report,
legislative education study committee.

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

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

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

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

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

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

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

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

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

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

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

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

"21-21L-3. DEFINITIONS.--As used in the College
Affordability Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. As used in this section:

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

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

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

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

(5) "pre-kindergarten through post-graduate
system" means an integrated, seamless pre-kindergarten
through post-graduate system of education.

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

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

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

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

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

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

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

(2) the secretary of higher education or the
secretary's designee;

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

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

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

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

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

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

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

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

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

(12) the presidents or their designees of one research university, one four-year comprehensive university, two branch colleges and two independent community colleges; provided that the presidents shall be selected by the data system partners in collaboration with organizations that represent the presidents of those institutions;
(13) at least six public school superintendents or their designees; provided that the appointments by the data system partners shall be made so that small, medium and large school districts are equally represented on the council at all times;

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

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

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

E. The council shall:

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

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

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

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

(b) define appropriate uses of data;
(c) assure researcher access to data;
(d) assure the security of the data system;
(e) ensure that the educational system agencies represented on the council, the legislative education study committee, the legislative finance committee and other users, as appropriate, have access to the data system; and
(f) ensure the privacy of any person whose personally identifiable information is contained in the data system;
(4) develop a strategic plan for the data system; and
(5) create policies that ensure users have prompt and reasonable access to reports generated from the data system, including:
(a) identification of categories of data system users based on security level;
(b) descriptions of the reports that the data system is capable of generating on demand; and
(c) definitions of the most timely process by which users may retrieve other reports without compromising the security of the data system or the privacy of any person whose personally identifiable information is contained in the data system.
F. The data system strategic plan shall include:
   (1) the development of policy and practical
goals, including time lines and budget goals, that are to be
met through the implementation of the data system; and
   (2) the training and professional
development that the data system partners will provide to
users who will be analyzing, accessing or entering data into
the data system.

G. The confidentiality of personally identifiable
student and educator data shall be safeguarded consistent
with the requirements of state and federal law. To the
extent permitted by the data system partners in conformance
with state and federal law, public entities participating in
the data system may:
   (1) disclose or redisclose data for
educational purposes and longitudinal comparisons, analyses
or studies, including those authorized by law;
   (2) enter into agreements with other
organizations for research studies to improve instruction for
the benefit of local educational agencies, public schools and
post-secondary educational institutions, subject to
safeguards to ensure that the research organization uses the
student records only for the authorized study purposes; and
   (3) disclose education records to a
student's former secondary school or school district upon
request solely for purposes of evaluation or accountability
for its programs.

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

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

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

K. The data system partners, in consultation with
educational institutions, shall develop and adopt the content and a format for the report, including the ability of the data system to:

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

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

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

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

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

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

(7) provide post-secondary remedial course
enrollment history, including the number and type of credit
and noncredit remedial courses being taken;

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

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

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

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

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

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

(14) report pre-kindergarten through
post-graduate student-level transcript information, including
information on courses completed, grades earned and
cumulative grade point average;
(15) connect performance with financial information;

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

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

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

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

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

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

A. The department shall:

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

(2) adopt the format for reporting
individual student assessments to parents. The student
assessments shall report each student's progress and academic
needs as measured against state standards;

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

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

(a) Caucasian, non-Hispanic;
(b) Hispanic;
(c) African American;
(d) American Indian or Alaska Native;
(e) Native Hawaiian or other Pacific Islander;
(f) Asian;
(g) two or more races; and
(h) other; provided that if the sample of students in any category enumerated in Subparagraphs (a) through (g) of this paragraph is so small that a student in the sample may be personally identifiable in violation of the federal Family Educational Rights and Privacy Act of 1974, the report may combine that sample into the "other" category;

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

(a) have graduated by August 1 of the fourth year after entering the ninth grade;
(b) have graduated in more than four years, but by August 1 of the fifth year after entering ninth grade;
(c) have received a state certificate by exiting the school system at the end of grade twelve without having satisfied the requirements for a high school diploma as provided in Section 22-13-1.1 NMSA 1978 or completed all course requirements but have not passed the graduation assessment or portfolio of standards-based indicators pursuant to Section 22-13-1.1 NMSA 1978;

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

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

(f) are still enrolled in public school;

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

(7) establish technical criteria and procedures to define which students are included or excluded from a cohort.
B. Local school boards and governing boards of charter schools may establish additional indicators through which to measure the school district's or charter school's performance in areas other than adequate yearly progress.

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

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

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

(3) who have exited public school and indicated an intent to pursue a high school equivalency credential;
(4) who are still enrolled; and
(5) whose other educational outcomes are known to the school district.

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

   (1) parent-teacher-school relationship and communication;
(2) quality of educational and extracurricular programs;
(3) instructional practices and techniques;
(4) resources;
(5) school employees, including the school principal; and
(6) parents' views of teaching staff expectations for the students.

E. The department shall develop no more than ten of the survey questions, which shall be reviewed by the legislative education study committee prior to implementation. No more than five survey questions shall be developed by the local school board or governing body of a state-chartered charter school, and no more than five survey questions shall be developed by the staff of each public school; provided that at least one-half of those questions shall be developed by teachers rather than school administrators, in order to gather information that is specific to the particular community surveyed. The questionnaires shall indicate the public school site and shall be tabulated by the department within thirty days of receipt and shall be returned to the respective schools to be disseminated to all parents.

F. The school district's or state-chartered charter school's annual accountability report shall be adopted by the local school board or governing body of the state-chartered charter school, shall be published no later than November 15 of each year and shall be published at least
once each school year in a newspaper of general circulation
in the county where the school district or state-chartered
charter school is located. In publication, the report shall
be titled "The School District Report Card" or "The Charter
School Report Card" and disseminated in accordance with
guidelines established by the department to ensure effective
communication with parents, students, educators, local
policymakers and business and community organizations.

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

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

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

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

K. At the end of fiscal year 2005, after the
budget approval cycle, the department shall produce a report
to the legislature that shows for all school districts using
performance-based program budgeting the relationship between
that portion of a school district's program cost generated by
each public school in the school district and the budgeted
expenditures for each public school in the school district as
reported in the district's performance-based program budget.
At the end of fiscal year 2006 and subsequent fiscal years,
after the budget approval cycle, the department shall report
on this relationship in all public schools in all school
districts in the state.

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

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

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

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

"22-5-4.9. HIGH SCHOOL DIPLOMAS--WORLD WAR II VETERANS.--

A. Notwithstanding any other provision of the Public School Code, a local school board may issue a high school diploma to a World War II veteran who:

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

(2) was scheduled to graduate from high school after 1940 and before 1951;

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

(4) left high school before graduation to serve in World War II.

B. A local school board may issue a high school diploma to a qualifying World War II veteran regardless of whether the veteran holds a high school equivalency credential or is deceased.

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

(1) an application form to be submitted by the World War II veteran or a person acting on behalf of the
veteran if the veteran is incapacitated or deceased; and

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

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

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

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

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

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

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

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

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

C. The department shall adopt and promulgate rules to carry out the provisions of this section, including:
(1) an application form to be submitted to
the local school board by the Korean conflict veteran or a
person acting on behalf of the veteran if the veteran is
incapacitated or deceased; and

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

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

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

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

B. A school-age person subject to the provisions
of the Compulsory School Attendance Law shall attend school
for at least the length of time of the school year that is
established in the school district in which the person is a
resident or the state-chartered charter school in which the
person is enrolled and the school district or state-chartered
charter school shall not excuse a student from attending
school except as provided in that law or for
parent-authorized medical reasons.

C. Any parent of a school-age person subject to
the provisions of the Compulsory School Attendance Law is
responsible for the school attendance of that person.

E. Each local school board and each governing body
of a charter school or private school shall enforce the
provisions of the Compulsory School Attendance Law for
students enrolled in their respective schools."

SECTION 14. Section 27-2B-5 NMSA 1978 (being Laws 1998,
Chapter 8, Section 5 and Laws 1998, Chapter 9, Section 5, as
amended by Laws 2007, Chapter 46, Section 18 and by Laws
2007, Chapter 350, Section 3) is amended to read:

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

A. The following qualify as work activities:

(1) unsubsidized employment, including
self-employment;

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

(3) subsidized public sector employment;

(4) work experience;

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

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

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

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

E. Where best suited for the participant to

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

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

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

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

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

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

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

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

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

H. A participant engaged in vocational education studies shall make reasonable efforts to obtain a loan, scholarship, grant or other assistance to pay for costs and
tuition, and the department shall disregard those amounts in
the eligibility determination.

1. For as long as the described conditions exist, the
following are exempt from the work requirement:
   (1) a participant barred from engaging in a
   work activity because the participant has a temporary or
   permanent disability;
   (2) a participant over age sixty;
   (3) a participant barred from engaging in a
   work activity because the participant provides the sole care
   for a person with a disability;
   (4) a single custodial parent caring for a
   child less than twelve months old for a lifetime total of
   twelve months;
   (5) a single custodial parent caring for a
   child under six years of age if the parent is unable to
   obtain child care for one or more of the following reasons:
   (a) unavailability of appropriate child
care within a reasonable distance from the parent's home or
   work as defined by the children, youth and families
department;
   (b) unavailability or unsuitability of
   informal child care by a relative under other arrangements as
defined by the children, youth and families department; or
   (c) unavailability of appropriate and
affordable formal child-care arrangements as defined by the
children, youth and families department;

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

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

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

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

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

SECTION 15. Section 29-7C-3 NMSA 1978 (being Laws 2003,
Chapter 320, Section 5) is amended to read:
"29-7C-3. QUALIFICATIONS FOR CERTIFICATION.--An applicant for certification shall provide evidence satisfactory to the board that the applicant:

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

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

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

(1) felony charge; or

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

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

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

F. is of good moral character;

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

H. has received a certificate attesting to the applicant's completion of an approved basic telecommunicator training program from the director."
SECTION 16. Section 31-18-22 NMSA 1978 (being Laws 1990, Chapter 51, Section 1) is amended to read:

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

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

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

(1) sentenced to death;
(2) who have received a life sentence;
(3) with a record of prior confinement for a felony conviction;
(4) convicted of murder in the first or
second degree, child abuse resulting in death or great bodily
harm, criminal sexual penetration in the first or second
degree or criminal sexual contact with a minor;
(5) convicted of an offense carrying a
mandatory sentence that cannot be suspended or deferred;
(6) who have participated in a special
incarceration alternative program in the past;
(7) who are more than thirty years of age at
time of sentencing; or
(8) who do not volunteer to participate in
the program and who do not agree to the special conditions of
probation for successful program participants.

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

D. If the sentencing court accepts the
recommendation of the corrections department that the
offender is suitable for participation in a special
incarceration alternative program, the court shall resentence
the offender to provide that, in the event the offender
successfully completes the program, the remainder of the
sentence shall be suspended and the offender shall be placed
on probation for the remainder of the term. The sentencing
court shall be notified in writing by the corrections
department of the offender's successful completion of the
special incarceration alternative program.

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

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

SECTION 17. Section 33-2-34 NMSA 1978 (being Laws 1999,
Chapter 238, Section 1, as amended) is amended to read:
"33-2-34. ELIGIBILITY FOR EARNED MERITORIOUS
DEDUCTIONS.--

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

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

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

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

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

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

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

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

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

D. A prisoner confined in a correctional facility
designated by the corrections department is eligible for
lump-sum meritorious deductions as follows:
   (1) for successfully completing an approved
vocational, substance abuse or mental health program, one
month; except when the prisoner has a demonstrable physical,
mental health or developmental disability that prevents the
prisoner from successfully earning a high school equivalency
credential, in which case, the prisoner shall be awarded three
months;
   (2) for earning a high school equivalency
credential, three months;

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

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

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

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

E. Lump-sum meritorious deductions, provided in Paragraphs (1) through (6) of Subsection D of this section, may be awarded in addition to the meritorious deductions provided in Subsections A and B of this section. Lump-sum meritorious deductions shall not exceed one year per award and shall not exceed a total of one year for all lump-sum
meritorious deductions awarded in any consecutive twelve-month period.

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

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

(2) is in disciplinary segregation;

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

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

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

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

I. A New Mexico prisoner confined in a federal or out-of-state correctional facility is eligible to earn
meritorious deductions for active participation in programs on
the basis of the prisoner's conduct and program reports
furnished by that facility to the corrections department. All
decisions regarding the award and forfeiture of meritorious
deductions at such facility are subject to final approval by
the director of the adult institutions division of the
corrections department or the director's designee.

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

K. A prisoner confined in a correctional facility
in New Mexico that is operated by a private company, pursuant
to a contract with the corrections department, is eligible to
earn meritorious deductions in the same manner as a prisoner
confined in a state-run correctional facility. All decisions
regarding the award or forfeiture of meritorious deductions at
such facilities are subject to final approval by the director
of the adult institutions division of the corrections
department or the director's designee.
L. As used in this section:

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

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

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

(4) "serious violent offense" means:

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

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

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

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

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

(f) first and second degree criminal sexual penetration, as provided in Section 30-9-11 NMSA 1978;
(g) second and third degree criminal
sexual contact of a minor, as provided in Section 30-9-13 NMSA 1978;

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

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

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

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

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

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

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

(o) any of the following offenses, when the nature of the offense and the resulting harm are such that the court judges the crime to be a serious violent offense for the purpose of this section: 1) involuntary manslaughter, as provided in Section 30-2-3 NMSA 1978; 2) fourth degree aggravated assault, as provided in Section 30-3-2 NMSA 1978; 3) third degree assault with intent to commit a violent
felony, as provided in Section 30-3-3 NMSA 1978; 4) fourth
degree aggravated assault against a household member, as
provided in Section 30-3-13 NMSA 1978; 5) third degree assault
against a household member with intent to commit a violent
felony, as provided in Section 30-3-14 NMSA 1978; 6) third and
fourth degree aggravated stalking, as provided in Section
30-3A-3.1 NMSA 1978; 7) second degree kidnapping, as provided
in Section 30-4-1 NMSA 1978; 8) second degree abandonment of a
child, as provided in Section 30-6-1 NMSA 1978; 9) first,
second and third degree abuse of a child, as provided in
Section 30-6-1 NMSA 1978; 10) third degree dangerous use of
explosives, as provided in Section 30-7-5 NMSA 1978; 11) third
and fourth degree criminal sexual penetration, as provided in
Section 30-9-11 NMSA 1978; 12) fourth degree criminal sexual
contact of a minor, as provided in Section 30-9-13 NMSA 1978;
13) third degree robbery, as provided in Section 30-16-2 NMSA
1978; 14) third degree homicide by vehicle or great bodily
harm by vehicle, as provided in Section 66-8-101 NMSA 1978; or
15) battery upon a peace officer, as provided in Section

M. Except for sex offenders, as provided in
Section 31-21-10.1 NMSA 1978, an offender sentenced to
confinement in a correctional facility designated by the
corrections department who has been released from confinement
and who is serving a parole term may be awarded earned
meritorious deductions of up to thirty days per month upon
recommendation of the parole officer supervising the offender,
with the final approval of the adult parole board. The
offender must be in compliance with all the conditions of the
offender's parole to be eligible for earned meritorious
deductions. The adult parole board may remove earned
meritorious deductions previously awarded if the offender
later fails to comply with the conditions of the offender's
parole. The corrections department and the adult parole board
shall promulgate rules to implement the provisions of this
subsection. This subsection applies to offenders who are
serving a parole term on or after July 1, 2004."

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

"33-11-3. REGULATIONS.--

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

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

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

(2) has eighteen months or more remaining to
be served on the inmate's sentence of incarceration; and who:

(a) is not exempted due to a medical,

developmental or learning disability; or

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

C. The regulations adopted shall require that:

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

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

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

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

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

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

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

D. The regulations may:

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

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

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

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

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

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

B. No person is eligible for election or appointment to the office of magistrate unless the person has graduated from high school or has attained the equivalent of a high school education as indicated by possession of a high school diploma.
school equivalency credential issued by the public education
department based upon the record made on the high school
equivalency credential test.

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

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

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

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

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

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

"52-1-26.3. PARTIAL DISABILITY DETERMINATION--EDUCATION
MODIFICATION.--
A. The range of the education modification is one to eight. The modification shall be based upon the worker's formal education, skills and training at the time of the disability rating.

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

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

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

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

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

C. A worker shall be awarded points based upon the worker's skills. Skills shall be measured by reviewing the jobs that the worker has successfully performed during the ten years preceding the date of disability determination. For the purposes of this section, "successfully performed" means having remained on the job the length of time necessary to meet the specific vocational preparation (SVP) time requirement for that job as established in the dictionary of occupational titles published by the United States department...
of labor. The appropriate award of points shall be based upon
the highest SVP level demonstrated by the worker in the
performance of the jobs that the worker has successfully
performed in the ten-year period preceding the date of
disability determination, as follows:
   (1) a worker with an SVP of one to two shall
be awarded four points;
   (2) a worker with an SVP of three to four
shall be awarded three points;
   (3) a worker with an SVP of five to six
shall be awarded two points; and
   (4) a worker with an SVP of seven to nine
shall be awarded one point.

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

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

SECTION 21. Section 58-28-5 NMSA 1978 (being Laws 1997,
Chapter 118, Section 5, as amended) is amended to read:
"58-28-5. USE OF MONEY--ELIGIBLE ACTIVITIES.--

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

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

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

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

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

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

B. Money in the capital fund authorized in Paragraph (2) of Subsection A of this section may be invested
in fully amortizing interest-bearing mortgages secured by real property in New Mexico, the interest on which may be used for purposes specified in this section."

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

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

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

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

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

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

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

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

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

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

C. Except as provided in Subsection D of this section, if an account owner withdraws money from an
individual development account for a use other than an allowable use, the account owner forfeits a proportionate amount of matching funds from the reserve account, as set forth in the agreement between the program administrator and the account owner.

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

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

SECTION 23. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015.
John A. Sartachez, President
Senate

Lenore M. Naranjo, Chief Clerk
Senate

Don L. Tripp, Speaker
House of Representatives

Denise Ramonas, Chief Clerk
House of Representatives

Approved by me this 9th day of April, 2015

Governor Susana Martinez
State of New Mexico