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SENATE BILL 264

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Antonio Maestas

AN ACT

RELATING TO EDUCATION; CREATING THE ADULT HIGH SCHOOL DIPLOMA
PILOT PROJECT; REQUIRING THE COLLECTION AND ANALYSIS OF
STUDENT, PROGRAM AND INSTRUCTOR DATA TO DETERMINE THE EFFICACY
OF THE ADULT HIGH SCHOOL DIPLOMA PILOT PROJECT; PROVIDING
REPORTING REQUIREMENTS; CREATING A FUND; MAKING AN
APPROPRIATION.

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

SECTION 1. A new section of Chapter 21 NMSA 1978 is
enacted to read:

"NEW MATERIAL] ADULT HIGH SCHOOL DIPLOMA PILOT PROJECT.--

A. The "adult high school diploma pilot project" is
created as a pilot project administered by the higher education
department to create a pathway for adults in New Mexico who
have not earned a high school diploma of excellence to attend

1 high school and earn a high school diploma of excellence.
2 Adult students of the adult high school program may earn
3 industry-recognized certificates of college credits. The pilot
4 project will operate through partnerships between the higher
5 education department, in collaboration with the corrections
6 department, and community-based nonprofit organizations. The
7 pilot project instruction shall be provided at no cost to the
8 adult students who enroll in an adult high school program.

9 B. The higher education department, in
10 collaboration with the corrections department, shall award a
11 grant pursuant to Subsection F of this section to a community-
12 based nonprofit organization to operate an adult high school
13 program if the community-based nonprofit organization does the
14 following:

15 (1) operates the program in a state or private
16 correctional facility;

17 (2) contributes funding annually for operating
18 and facility costs;

19 (3) hires licensed teachers and other school
20 personnel, including life coaches to help adult students
21 navigate academic and personal challenges;

22 (4) proposes a separate academic
23 accountability system;

24 (5) abides by the minimum graduation
25 requirements established by the higher education department;

1 (6) uses an evidence-based educational model
2 that a third-party evaluator has proven effective through a
3 randomized, controlled trial or an experimental study;

4 (7) provides direct, in-person instruction;

5 (8) consults with a nonprofit organization
6 that has implemented an evidence-based educational model for
7 adult students with proven effectiveness in another state;

8 (9) serves a maximum of one hundred students;

9 (10) complies with state and federal laws
10 concerning students with disabilities, including students with
11 accommodations pursuant to Section 504 of the federal
12 Rehabilitation Act of 1973;

13 (11) creates individualized education programs
14 for adult students with disabilities;

15 (12) collaborates with the corrections
16 department to provide adult students access to industry
17 certifications and dual college credit;

18 (13) funds industry-recognized and career and
19 technical education certificate programs at no cost to adult
20 students; and

21 (14) creates a plan in collaboration with
22 post-secondary educational institutions to authorize teachers
23 to teach courses for college credit.

24 C. On or before July 1, 2025, the higher education
25 department, in collaboration with the corrections department,

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1 shall create academic accountability standards for the adult
2 high school programs, which shall include:

3 (1) graduation rate metrics that measure the
4 graduation ratio of the entire adult student population;

5 (2) post-secondary and workforce readiness
6 metrics that measure the percentage of graduates who earn
7 either an industry-recognized certificate or at least three
8 college credits; and

9 (3) student demographic data disaggregated by
10 race, ethnicity, socioeconomic status, age, gender and
11 disability.

12 D. On or before July 1, 2026 and each July 1,
13 thereafter, an adult high school program shall report program
14 data to the higher education department, including the
15 following:

16 (1) student demographic data disaggregated by
17 race, ethnicity, socioeconomic status, age, gender and
18 disability;

19 (2) the accountability measure data described
20 in Subsection C of this section; and

21 (3) the number of industry-recognized
22 certificates, college credits, high school diplomas and overall
23 average attainment of high school credits that adult students
24 earn each term.

25 E. On or before September 15, 2024, the higher

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1 education department, in collaboration with the corrections
2 department, shall establish a fair and transparent application
3 process to use when selecting an adult high school program to
4 participate in the adult high school diploma pilot project.

5 The application process shall include the following:

6 (1) a plan for enrollment of adult students,
7 including adult students with disabilities;

8 (2) proposed curriculum and academic
9 accountability standards for a student-centered course of study
10 that results in a New Mexico high school diploma of excellence;

11 (3) evidence of the effectiveness of the
12 evidence-based educational model to be implemented;

13 (4) a plan to hire and maintain a staff of
14 licensed teachers and other school personnel; and

15 (5) proof of access to the money annually
16 required to contribute to the program.

17 F. On or before November 1, 2024, the higher
18 education department, in collaboration with the corrections
19 department, shall select the adult high school programs that
20 will participate in the adult high school diploma pilot
21 project. On or before January 15, 2025, the higher education
22 department, in collaboration with the corrections department,
23 shall award a grant to the adult high school programs selected
24 to participate in the adult high school diploma pilot project
25 and carry out the responsibilities pursuant to this section.

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1 G. On or before November 30, 2025, and each year
2 thereafter, the higher education department shall report on the
3 efficacy of the adult high school diploma pilot project to the
4 governor, the legislature and the legislative education study
5 committee. The report shall contain the following information:

6 (1) demographic data of students currently
7 enrolled in the adult high school diploma pilot project;

8 (2) demographic data of students who graduated
9 from the adult high school program;

10 (3) accountability measure data described in
11 Subsection C of this section;

12 (4) the number of industry-recognized
13 certificates, college credits and overall average attainment of
14 high school credits that adult students earn each term; and

15 (5) any recommendations for legislation
16 regarding the pilot project.

17 H. The higher education department, in
18 collaboration with the corrections department and the public
19 education department, shall promulgate rules for the
20 administration of the adult high school diploma pilot project,
21 minimum graduation requirements for adult students to receive a
22 high school diploma of excellence, the collection and analysis
23 of student, program and instructor data and required reporting
24 by participating organizations.

25 I. As used in this section:

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1 (1) "adult high school program" means a
2 higher-education-department-approved adult high school program
3 offered by a community-based nonprofit organization;

4 (2) "adult student" means an adult who has
5 reached the age of twenty-two prior to the start of the school
6 year; and

7 (3) "community-based nonprofit organization"
8 means a New Mexico community-based, tax-exempt charitable or
9 social welfare organization operating under Section 501(c)(3)
10 or 501(c)(4) of the federal Internal Revenue Code of 1986."

11 SECTION 2. A new section of Chapter 21 NMSA 1978 is
12 enacted to read:

13 "[NEW MATERIAL] ADULT HIGH SCHOOL DIPLOMA FUND--CREATED.--
14 The "adult high school diploma fund" is created in the state
15 treasury until the end of the adult high school diploma pilot
16 project. The fund consists of appropriations, gifts, grants
17 and donations. The higher education department shall
18 administer the fund, and money in the fund is appropriated to
19 the higher education department, in collaboration with the
20 corrections department, to carry out the adult high school
21 diploma pilot project and provide grants to school districts,
22 charter schools and community-based nonprofit organizations
23 participating in the pilot project. Expenditures from the fund
24 shall be on warrants of the secretary of finance and
25 administration pursuant to vouchers signed by the secretary of
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1 higher education or the secretary's designated representative."

2 SECTION 3. APPROPRIATION.--Five million dollars
3 (\$5,000,000) is appropriated from the general fund to the adult
4 high school diploma fund for expenditure in fiscal years 2024
5 through 2031 to fund the adult high school diploma pilot
6 project. Any unexpended or unencumbered balance remaining at
7 the end of fiscal year 2031 shall revert to the general fund.

8 SECTION 4. DELAYED REPEAL.--Sections 1 and 2 of this act
9 are repealed effective July 1, 2031.