

1 SENATE BILL 325

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

3 INTRODUCED BY

4 William P. Soules and Debra M. Sariñana

10 AN ACT

11 RELATING TO HIGHER EDUCATION; EXPANDING THE TEACHER LOAN
12 REPAYMENT ACT TO INCLUDE SOCIAL WORKERS AND SCHOOL COUNSELORS
13 WHO WORK IN A PUBLIC SCHOOL.

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

16 SECTION 1. Section 21-22H-3 NMSA 1978 (being Laws 2013,
17 Chapter 177, Section 3, as amended) is amended to read:

18 "21-22H-3. DEFINITIONS.--As used in the Teacher Loan
19 Repayment Act:

20 A. "department" means the higher education
21 department;

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

24 (1) for teachers who are endorsed and teach
25 bilingual education;

.224138.5SA

underscored material = new
~~[bracketed material] = delete~~

underscoring material = new
[bracketed material] = delete

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

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

6 (4) for teachers who are minorities; and

7 (5) in a public school that is low-performing
8 or serves a high percentage of economically disadvantaged
9 students; [~~and~~]

10 C. "loan" means a grant of money to defray the
11 costs incidental to a teacher, social worker or school
12 counselor education, under a contract between the federal
13 government and a teacher, social worker or school counselor,
14 requiring repayment of principal and interest;

15 D. "school counselor" means a counselor who has
16 been licensed by the state and is currently employed at a
17 public school to provide counseling services to public school
18 students; and

19 E. "social worker" means a social worker who has
20 been licensed by the state and is currently employed at a
21 public school to provide social work services to public school
22 students."

23 SECTION 2. Section 21-22H-4 NMSA 1978 (being Laws 2013,
24 Chapter 177, Section 4, as amended) is amended to read:

25 "21-22H-4. DEPARTMENT POWERS AND DUTIES--TEACHER, SOCIAL
.224138.5SA

underscored material = new
[bracketed material] = delete

1 WORKER OR SCHOOL COUNSELOR ELIGIBILITY--QUALIFICATIONS.--

2 A. The department may grant a loan repayment award
3 to repay loans obtained for the teacher, social worker or
4 school counselor educational expenses of a teacher, social
5 worker or school counselor upon such terms and conditions as
6 may be imposed by rules of the department.

7 B. Applicants shall be [~~licensed New Mexico~~
8 ~~teachers who are~~] bona fide citizens and residents of the
9 United States and of New Mexico and:

10 (1) are licensed New Mexico teachers who have
11 taught at least three years in New Mexico;

12 (2) are social workers who have provided at
13 least three years of social work services; or

14 (3) are school counselors who have provided at
15 least three years of counseling services.

16 C. High priority shall be given to applicants who
17 are teaching in designated high-need teacher positions in the
18 state, are social workers providing social work services in
19 high-need areas in the state or are school counselors providing
20 counseling services in high-need areas in the state.

21 [~~C.~~] D. The department and the public education
22 department shall jointly make a full and careful investigation
23 of the ability and qualifications of each applicant and
24 determine the fitness of a teacher, social worker or school
25 counselor to participate in the teacher loan repayment

.224138.5SA

underscored material = new
[bracketed material] = delete

1 program."

2 SECTION 3. Section 21-22H-5 NMSA 1978 (being Laws 2013,
3 Chapter 177, Section 5, as amended) is amended to read:

4 "21-22H-5. LOAN REPAYMENT AWARD CRITERIA--CONTRACT
5 TERMS--PAYMENT.--

6 A. Loan repayment award criteria shall provide
7 that:

8 (1) for high-priority applicants, award
9 amounts shall be dependent upon a specific public school's need
10 for the designated high-need teacher position, as determined by
11 the public education department, the teacher's total teacher
12 education indebtedness and available balances in the teacher
13 loan repayment fund;

14 (2) award amounts for other teachers, social
15 workers and school counselors shall be based on the need for a
16 teacher, social worker or school counselor position that can be
17 filled by the applicant, as determined by the public education
18 department, the teacher's, social worker's or school
19 counselor's total teacher, social worker or school counselor
20 education indebtedness and available balances in the teacher
21 loan repayment fund;

22 (3) preference in making awards shall be to
23 teachers, social workers or school counselors who have
24 graduated from a New Mexico public post-secondary educational
25 institution;

.224138.5SA

underscored material = new
[bracketed material] = delete

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

4 (5) the total amount of awards made to any one
5 teacher, social worker or school counselor shall not exceed the
6 total teacher, social worker or school counselor education
7 indebtedness remaining for that teacher, social worker or
8 school counselor.

9 B. The following teacher, social worker or school
10 counselor education debts are not eligible for repayment
11 pursuant to the Teacher Loan Repayment Act:

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

16 (2) scholarships that have a service component
17 or obligation;

18 (3) loans from a commercial lender;

19 (4) personal loans from friends or relatives;

20 and

21 (5) loans that exceed individual standard
22 school expense levels.

23 C. Every loan repayment award shall be evidenced by
24 a contract between the teacher, social worker or school
25 counselor and the department acting on behalf of the state.

.224138.5SA

underscoring material = new
~~[bracketed material] = delete~~

1 The contract shall provide for the payment by the state of a
2 stated sum each year to the teacher's, social worker's or
3 school counselor's federal government lender not to exceed six
4 thousand dollars (\$6,000) per year and shall state the
5 obligations of the teacher, social worker or school counselor
6 under the program, including a minimum two-school-year period
7 of service, quarterly reporting requirements and other
8 obligations established by the department. Execution of
9 contracts shall occur prior to the start of a school year and
10 the two-school-year period of service starts at the execution
11 of the contract.

12 D. The department shall make annual payments
13 pursuant to contracts only after satisfactory completion of a
14 full year of teaching, providing social work services or
15 providing counseling services as certified by the public
16 education department. The contract of any teacher, social
17 worker or school counselor who does not complete a full year of
18 teaching, providing social work services or providing
19 counseling services shall be voided, and the teacher, social
20 worker or school counselor shall forfeit any right to that
21 year's payment pursuant to the contract.

22 E. Each contract shall be for an initial two-year
23 period and may be extended for three additional two-year
24 contracts. The department shall not enter into any contracts
25 with a single teacher, social worker or school counselor for

.224138.5SA

underscored material = new
[bracketed material] = delete

1 more than eight years of repayment.

2 F. Loan repayment awards shall be in the form of
3 payments from the teacher loan repayment fund directly to the
4 federal government lender of a teacher, social worker or school
5 counselor who has received the award and shall be considered a
6 payment on behalf of the teacher, social worker or school
7 counselor pursuant to the contract between the department and
8 the teacher, social worker or school counselor. A loan
9 repayment award shall not obligate the state or the department
10 to the teacher's, social worker's or school counselor's federal
11 government lender for any other payment and shall not be
12 considered to create any privity of contract between the state
13 or the department and the lender.

14 G. The department, after consulting with the public
15 education department, shall adopt rules to implement the
16 provisions of the Teacher Loan Repayment Act. The rules shall
17 provide:

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

20 (2) for the disbursement of loan repayment
21 awards to a teacher's, social worker's or school counselor's
22 federal government lender in annual installments after
23 completion of each qualifying full year of teaching, providing
24 social work services or providing counseling services."

25 SECTION 4. Section 21-22H-6 NMSA 1978 (being Laws 2013,
.224138.5SA

underscored material = new
[bracketed material] = delete

1 Chapter 177, Section 6) is amended to read:

2 "21-22H-6. CONTRACTS--ENFORCEMENT.--The general form of a
3 contract required pursuant to the Teacher Loan Repayment Act
4 shall be prepared and approved by the attorney general, and
5 each contract shall be signed by the [~~teacher~~] loan recipient
6 and the designated representative of the department on behalf
7 of the state. The department is vested with full and complete
8 authority and power to sue in its own name for any balance due
9 the state from a [~~teacher~~] loan recipient under any such
10 contract."

11 SECTION 5. Section 21-22H-8 NMSA 1978 (being Laws 2013,
12 Chapter 177, Section 8) is amended to read:

13 "21-22H-8. CANCELLATION.--The department may cancel any
14 contract made between it and a [~~teacher~~] loan recipient
15 pursuant to the Teacher Loan Repayment Act for any reasonable
16 cause deemed sufficient by the department."

17 SECTION 6. Section 21-22H-9 NMSA 1978 (being Laws 2013,
18 Chapter 177, Section 9, as amended) is amended to read:

19 "21-22H-9. REPORTS.--Prior to each regular session of the
20 legislature, the department shall make annual reports to the
21 governor and the legislature of the department's activities
22 pertaining to the Teacher Loan Repayment Act; the loan
23 repayment awards granted; the names and addresses of teachers,
24 social workers and school counselors who received loan
25 repayment awards; the names and locations of the positions

.224138.5SA

underscoring material = new
~~[bracketed material] = delete~~

1 filled by those teachers, social workers and school counselors;
2 the name of each teacher, social worker and school counselor
3 who received a loan repayment award who is not serving in a
4 designated high-need teacher, social worker or school counselor
5 position, the amount owed on each teacher's, social worker's or
6 school counselor's loan and the amount paid on each teacher's,
7 social worker's or school counselor's loan by loan repayment
8 awards; and the number of teachers, social workers and school
9 counselors whose contracts were voided because they did not
10 complete a full year of teaching, providing social work
11 services or providing counseling services."

12 SECTION 7. REPEAL.--Section 21-22H-2 NMSA 1978 (being
13 Laws 2013, Chapter 177, Section 2) is repealed.

14 SECTION 8. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2023.

17
18
19
20
21
22
23
24
25