

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 176

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO EDUCATION; MAKING THE PUBLIC EDUCATION COMMISSION
THE GOVERNING AUTHORITY AND SOLE STATE AGENCY FOR THE
SUPERVISION OF THE STATE PLAN RELATING TO VOCATIONAL EDUCATION.

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

Section 1. Section 22-14-2 NMSA 1978 (being Laws 1967,
Chapter 16, Section 192) is amended to read:

"22-14-2. VOCATIONAL EDUCATION [~~OR VOCATIONAL
REHABILITATION~~]~~--STATE GOVERNING AUTHORITY.--~~

A. The [~~state board~~] commission is the governing
authority and shall establish policies for the conduct of all
programs of the state and state plans established relating to
vocational education [~~or vocational rehabilitation~~] unless
otherwise provided by law.

B. The [~~state board shall be~~] commission is the

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underscored material = new
[bracketed material] = delete

1 sole agency of the state for the administration or for the
2 supervision of the administration of any state plan relating to
3 vocational education [~~or vocational rehabilitation~~] or for any
4 federal aid funds, except as may otherwise be provided by law.

5 C. The commission may delegate to the department
6 its administrative functions relating to vocational education."

7 Section 2. A new section of the Public School Code,
8 Section 22-14-2.1 NMSA 1978, is enacted to read:

9 "22.14-2.1. [NEW MATERIAL] VOCATIONAL REHABILITATION--
10 STATE GOVERNING AUTHORITY.--

11 A. The department is the governing authority and
12 shall establish policies for the conduct of all programs of the
13 state and state plans established relating to vocational
14 rehabilitation, unless otherwise provided by law.

15 B. The department is the sole agency of the state
16 for the administration or for the supervision of the
17 administration of any state plan relating to vocational
18 rehabilitation, or for any federal aid funds, except as may
19 otherwise be provided by law."

20 Section 3. Section 22-14-3 NMSA 1978 (being Laws 1967,
21 Chapter 16, Section 193) is amended to read:

22 "22-14-3. STATE AGENCY FOR VOCATIONAL EDUCATION [AND
23 VOCATIONAL REHABILITATION]--AUTHORITY.--[~~Whenever~~] The [~~state~~
24 ~~board~~] commission is the sole agency of the state for the
25 [~~administration or for the~~] supervision of the administration

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1 of ~~[any]~~ federal aid funds relating to vocational education.

2 The ~~[state board]~~ commission may:

3 A. enter into an agreement with the appropriate
4 federal agency to procure for the state the benefits of the
5 federal statute;

6 B. establish a state plan, if required by the
7 federal statute, ~~[which]~~ that meets the requirements of the
8 federal statute to qualify the state for the benefits of the
9 federal statute;

10 C. provide for reports to be made to the federal
11 agency as may be required;

12 D. provide for reports to be made to the ~~[state~~
13 ~~board]~~ commission or ~~[to its representative]~~ the department
14 from agencies receiving federal aid funds;

15 E. make surveys and studies in cooperation with
16 other agencies to determine the needs of the state in the areas
17 where the federal aid funds are to be applied;

18 F. establish standards to which agencies must
19 conform in receiving federal aid funds; ~~[and]~~

20 G. give technical advice and assistance to any
21 agency in connection with that agency obtaining federal aid
22 funds;

23 H. coordinate as required by the federal agency
24 with the state workforce development board; and

25 I. as required by the federal agency, make

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1 available a list of all school dropout, post-secondary and
2 adult programs assisted pursuant to the state plan."

3 Section 4. A new section of the Public School Code,
4 Section 22-14-3.1 NMSA 1978, is enacted to read:

5 "22-14-3.1. [NEW MATERIAL] STATE AGENCY FOR VOCATIONAL
6 REHABILITATION--AUTHORITY.--The department is the sole agency
7 of the state for the administration or the supervision of the
8 administration of any federal aid funds pertaining to
9 vocational rehabilitation. The department may:

10 A. enter into an agreement with the appropriate
11 federal agency to procure for the state the benefits of the
12 federal statute;

13 B. establish a state plan, if required by the
14 federal statute, that meets the requirements of the federal
15 statute to qualify the state for the benefits of the federal
16 statute;

17 C. provide for reports to be made to the federal
18 agency as may be required;

19 D. provide for reports to be made to the department
20 from agencies receiving federal aid funds;

21 E. make surveys and studies in cooperation with
22 other agencies to determine the needs of the state in the areas
23 where the federal aid funds are to be applied;

24 F. establish standards to which agencies must
25 conform in receiving federal aid funds; and

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1 G. give technical advice and assistance to any
2 agency in connection with that agency obtaining federal aid
3 funds."

4 Section 5. Section 22-14-5 NMSA 1978 (being Laws 1967,
5 Chapter 16, Section 195, as amended) is amended to read:

6 "22-14-5. INSTRUCTIONAL SUPPORT AND VOCATIONAL EDUCATION
7 DIVISION--POWERS--DUTIES.--Subject to the policies of the
8 [~~state board~~] commission, the instructional support and
9 vocational education division of the department [~~of education~~]
10 shall:

11 A. provide vocational education to qualified
12 [~~individuals~~] persons;

13 B. act as the representative of the [~~state board~~]
14 commission in administering any state plan or federal aid funds
15 relating to vocational education;

16 C. cooperate and make agreements with public or
17 private agencies to establish or to maintain a vocational
18 education program;

19 D. enter into reciprocal agreements with other
20 states to provide vocational education;

21 E. accept gifts or grants to be used for vocational
22 education;

23 F. enforce [~~regulations~~] rules for the
24 administration of laws relating to vocational education; and

25 G. conduct research and compile statistics relating

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1 to vocational education."

2 Section 6. Section 22-14-7 NMSA 1978 (being Laws 1967,
3 Chapter 16, Section 196) is amended to read:

4 "22-14-7. VOCATIONAL REHABILITATION DIVISION--DIRECTOR.--

5 A. The "vocational rehabilitation division" is
6 created within the department [~~of education~~].

7 B. [~~With approval of the state board, the state~~
8 ~~superintendent~~] The secretary shall appoint a director of the
9 vocational rehabilitation division to be known as the "director
10 of vocational rehabilitation".

11 [~~C. The state board may delegate to the vocational~~
12 ~~rehabilitation division its administrative functions relating~~
13 ~~to vocational rehabilitation.~~]"

14 Section 7. Section 22-14-9 NMSA 1978 (being Laws 1967,
15 Chapter 16, Section 198) is amended to read:

16 "22-14-9. CUSTODY OF FUNDS--BUDGETS--DISBURSEMENTS.--

17 A. The state treasurer shall be the custodian of
18 all federal aid funds. The state treasurer shall hold these
19 funds in separate accounts according to the purposes of the
20 funds.

21 B. All state funds, federal aid funds or grants to
22 the state relating to vocational education shall be budgeted
23 and accounted for as provided by law and by the [~~regulations~~]
24 rules of the department of finance and administration. [~~Such~~]
25 These funds or grants shall be disbursed by warrants of the

1 department of finance and administration on vouchers issued by
 2 the director of [~~vocational education~~] the instructional
 3 support and vocational education division or the director's
 4 authorized representative.

5 C. All state funds, federal aid funds or grants to
 6 the state relating to vocational rehabilitation shall be
 7 budgeted and accounted for as provided by law and by the
 8 [~~regulations~~] rules of the department of finance and
 9 administration. [~~Such~~] These funds or grants shall be
 10 disbursed by warrants of the department of finance and
 11 administration on vouchers issued by the director of the
 12 vocational rehabilitation division or the directors authorized
 13 representative.

14 D. All federal aid funds received by the state to
 15 be used for vocational education or vocational rehabilitation
 16 programs may be expended in any succeeding year from the year
 17 received."

18 Section 8. Section 22-14-11 NMSA 1978 (being Laws 1967,
 19 Chapter 16, Section 199) is amended to read:

20 "22-14-11. VOCATIONAL [~~EDUCATION OR~~] REHABILITATION--
 21 ELIGIBILITY.--[~~Vocational education or~~] Vocational
 22 rehabilitation shall be provided to any [~~individual~~] person
 23 who:

24 A. is a resident of the state at the time of filing
 25 [~~his~~] an application for [~~vocational education or~~] vocational

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1 rehabilitation; and

2 B. qualifies for eligibility under a [~~vocational~~
3 ~~education or~~] vocational rehabilitation program established by
4 the state; or

5 C. qualifies for eligibility under the terms of an
6 agreement [~~which~~] that the state has with the federal
7 government or with another state."

8 Section 9. REPEAL.--Section 22-14-4 NMSA 1978 (being Laws
9 1967, Chapter 16, Section 194) is repealed.