

1 SENATE BILL 165

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO ADULT DIPLOMAS; ENACTING THE ADULT WORKFORCE  
12 DIPLOMA PROGRAM ACT; ESTABLISHING PROGRAM PROVIDER  
13 QUALIFICATIONS AND REQUIREMENTS; ESTABLISHING CONTRACT  
14 GUIDELINES; CREATING REPORTING REQUIREMENTS; REQUIRING THE  
15 WORKFORCE SOLUTIONS DEPARTMENT TO REVIEW DATA RELATED TO THE  
16 PROGRAM; MAKING AN APPROPRIATION.

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
20 cited as the "Adult Workforce Diploma Program Act".

21 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
22 Adult Workforce Diploma Program Act:

23 A. "academic skill intake assessment" means a  
24 criterion-referenced assessment of numeracy and literacy skill  
25 that is determined to be reliable and valid by third-party

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1 research;

2 B. "career pathway coursework" means one or more  
3 courses that align with the skill needs of industries in the  
4 economy of the state that help an individual enter or advance  
5 within a specific occupation or industry;

6 C. "career placement service" means a service  
7 designed to assist a student in obtaining employment;

8 D. "department" means the workforce solutions  
9 department;

10 E. "diploma" means an adult workforce diploma  
11 issued to adults pursuant to Section 22-1-9.2 NMSA 1978;

12 F. "employability skills certification" means a  
13 certificate earned by demonstrating mastery of professional  
14 nontechnical skills;

15 G. "graduate" means a student who has completed all  
16 the requirements for obtaining a diploma;

17 H. "graduation requirements" means the courses and  
18 credits required to obtain a diploma from a program provider;

19 I. "high school credit unit" means a credit that is  
20 awarded based on a student's mastery of a subject area as  
21 defined by subject area standards, expectations or guidelines;

22 J. "industry-recognized credential" means an  
23 educational or work-related credential that verifies an  
24 individual's qualification or competence and is issued by a  
25 third party with relevant authority to issue industry

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1 credentials;

2 K. "learning plan" means a documented list of  
3 course and credit requirements that an individual is required  
4 to complete in order to graduate;

5 L. "program provider" means a public, nonprofit or  
6 other entity that is actively accredited by an accreditation  
7 entity in the United States, a public school or an institution  
8 of higher education that is approved by the department to  
9 provide adult diplomas pursuant to the Adult Workforce Diploma  
10 Program Act; and

11 M. "transcript evaluation" means a document showing  
12 all credits previously earned in a public or private accredited  
13 high school compared with course and credit requirements of  
14 program providers.

15 SECTION 3. [NEW MATERIAL] PROGRAM PROVIDER  
16 QUALIFICATIONS.--

17 A. On or before August 15 of each year, the  
18 department shall issue a request for applications for program  
19 providers to provide workforce diploma program services to  
20 individuals who are twenty-two years of age or older, who are  
21 residents of New Mexico and who have not earned a high school  
22 diploma.

23 B. When approving applications pursuant to  
24 Subsection A of this section, the department shall confirm that  
25 a program provider meets the following qualifications:

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1 (1) does not already receive federal or state  
2 funding or private tuition for providing services to a student  
3 for participating in the adult workforce diploma program;

4 (2) is accredited to grant a diploma;

5 (3) has a minimum of two years of experience  
6 in providing adult dropout recovery services; and

7 (4) has the ability to:

8 (a) provide an academic skill intake  
9 assessment and transcript evaluation;

10 (b) develop a learning plan that  
11 integrates graduation requirements and career goals;

12 (c) provide a course catalog that  
13 includes all courses necessary to meet graduation requirements;

14 (d) provide remedial education in  
15 literacy and numeracy;

16 (e) provide an employability skills  
17 certification;

18 (f) provide career pathway coursework;

19 (g) provide preparation for obtaining  
20 industry-recognized credentials; and

21 (h) provide career placement services.

22 C. On or before October 15 of each year, the  
23 department shall publish on its website a list of program  
24 providers selected to provide adult workforce diploma services  
25 pursuant to the Adult Workforce Diploma Program Act.

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1           SECTION 4.   ~~[NEW MATERIAL]~~ CONTRACT PROVISIONS.--The

2           department shall enter into an agreement with each program  
3           provider that includes the following terms:

4                   A.   services under each contract shall begin on or  
5           before November 15 of each year;

6                   B.   the program provider shall submit a monthly  
7           invoice that accounts for each milestone met in the previous  
8           month to the department on or before the tenth calendar day of  
9           each month;

10                  C.   the department shall pay program providers in  
11           the order in which invoices are submitted until all available  
12           funds are exhausted;

13                  D.   the department shall provide written  
14           documentation to a program provider that requests payment  
15           pursuant to Subsection E of this section on or before the last  
16           calendar day of each month, including:

17                           (1) the total amount of money that has been  
18           paid to the program provider during the fiscal year; and

19                           (2) the estimated number of enrollments that  
20           are available for the program year; and

21                  E.   the department shall pay a program provider the  
22           following amounts for each student participating in the  
23           program:

24                           (1) two hundred fifty dollars (\$250), upon the  
25           student's completion of each half of a high school credit unit;

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1 (2) two hundred fifty dollars (\$250), upon the  
2 student's attainment of an employability skills certification;

3 (3) two hundred fifty dollars (\$250), upon the  
4 student's attainment of an industry-recognized credential  
5 requiring fifty hours or fewer of training;

6 (4) five hundred dollars (\$500), upon the  
7 student's attainment of an industry-recognized credential as  
8 determined by the department requiring at least fifty-one but  
9 fewer than one hundred one hours of training;

10 (5) seven hundred fifty dollars (\$750), upon  
11 the student's attainment of an industry-recognized credential  
12 as determined by the department requiring one hundred one or  
13 more hours of training; and

14 (6) one thousand dollars (\$1,000), upon the  
15 student's attainment of a diploma.

16 SECTION 5. [NEW MATERIAL] REPORTING.--On or before July  
17 15 of each year, each program provider shall submit a report to  
18 the department that includes:

19 A. the total number of students for which payment  
20 was made to program providers;

21 B. the total number of credits earned by all  
22 students in the program;

23 C. the total number of employability skills  
24 certificates earned by all students in the program;

25 D. the total number of industry-recognized

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1 credentials earned for all students in each tier of funding;  
2 and

3 E. the total number of graduates from the program.

4 SECTION 6. [NEW MATERIAL] DATA REVIEW.--

5 A. Beginning on July 1, 2022, the department shall  
6 annually review data from each program provider's report to  
7 ensure that each program provider is achieving minimum  
8 performance standards.

9 B. A program provider has met minimum performance  
10 standards if:

11 (1) the total number of graduates per fiscal  
12 year for which the program provider was paid divided by the  
13 total number of students per fiscal year for which the program  
14 provider was paid is fifty percent or more of all students in  
15 each provider's program; and

16 (2) the total payment to the program provider  
17 per fiscal year divided by the total number of graduates of the  
18 program per fiscal year is seven thousand dollars (\$7,000) or  
19 less.

20 C. The department shall not renew a contract with a  
21 program provider that does not meet the minimum requirements  
22 pursuant to Subsection A of this section.

23 D. The department shall remove a program provider  
24 that does not meet the minimum performance standards for two  
25 consecutive years from the program provider list.

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