

1 SENATE BILL 263

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Craig W. Brandt

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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 HIGHER EDUCATION 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 higher education
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 regionally accredited in the United
7 States, a public school or an institution of higher education
8 that is approved by the department to provide adult diplomas
9 pursuant to the Adult Workforce Diploma Program Act; and

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

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

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

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

25 (1) does not already receive federal or state

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1 funding or private tuition for providing services to a student
2 for participating in the adult workforce diploma program;

3 (2) is accredited to grant a diploma;

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

6 (4) has the ability to:

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

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

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

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

15 (e) provide an employability skills
16 certification;

17 (f) provide career pathway coursework;

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

20 (h) provide career placement services.

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

25 SECTION 4. [NEW MATERIAL] CONTRACT PROVISIONS.--The

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

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

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

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

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

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

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

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

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

25 (2) two hundred fifty dollars (\$250), upon the

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1 student's attainment of an employability skills certification;

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

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

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

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

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

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

19 B. the total number of credits earned by all
20 students in the program;

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

23 D. the total number of industry-recognized
24 credentials earned for all students in each tier of funding;
25 and

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

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

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

7 B. A program provider has met minimum performance
8 standards if:

9 (1) the total number of graduates per fiscal
10 year for which the program provider was paid divided by the
11 total number of students per fiscal year for which the program
12 provider was paid is fifty percent or more, calculated based on
13 a two-year cohort for each provider; and

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

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

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

24 SECTION 7. APPROPRIATION.--Three million dollars
25 (\$3,000,000) is appropriated from the general fund to the
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1 higher education department for expenditure in fiscal year 2022
2 to implement the provisions of the Adult Workforce Diploma
3 Program Act. Any unexpended or unencumbered balance remaining
4 at the end of fiscal year 2022 shall revert to the general
5 fund.

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