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SENATE BILL 286

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Jacob R. Candelaria

AN ACT

RELATING TO HIGHER EDUCATION; ALLOWING COMMUNITY COLLEGES AND
TECHNICAL AND VOCATIONAL INSTITUTES TO OFFER BACHELOR'S OF
SCIENCE DEGREES.

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

SECTION 1. Section 21-13-2 NMSA 1978 (being Laws 1963,
Chapter 17, Section 2, as amended) is amended to read:

"21-13-2. DEFINITIONS.--As used in the Community College
Act:

A. "community college" means a public educational
institution that, except as provided in Section 3 of this 2019
act, provides not to exceed two years of training in the arts,
sciences and humanities beyond the twelfth grade of the public
high school curriculum or, in lieu of that training or in
addition to it, not to exceed two years of a vocational and

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1 technical curriculum and appropriate courses of study for
2 persons who may or may not have completed the twelfth grade of
3 public high school;

4 B. "community college district" means a district in
5 which a community college is located, which district is
6 composed of the territory of one or more school districts of
7 the state. For the purposes of relating community college
8 districts to existing law, community college districts and the
9 community colleges thereof shall not:

10 (1) be considered a part of the uniform system
11 of free public schools pursuant to Article 12, Section 1 and
12 Article 21, Section 4 of the constitution of New Mexico;

13 (2) benefit from the permanent school fund and
14 from the current school fund under Article 12, Sections 2 and 4
15 of the constitution of New Mexico;

16 (3) be subject, except as it relates to
17 technical and vocational education, to the control, management
18 and direction of the [~~state board of~~] public education
19 department under Article 12, Section 6 of the constitution of
20 New Mexico; and

21 (4) be considered school districts insofar as
22 the restrictions of Article 9, Section 11 of the constitution
23 of New Mexico are concerned; and

24 C. "qualified elector" means a person otherwise
25 eligible to vote within the community college district."

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1 SECTION 2. Section 21-13-12 NMSA 1978 (being Laws 1963,
2 Chapter 17, Section 11, as amended) is amended to read:

3 "21-13-12. DEGREES AND CERTIFICATES AWARDED.--

4 A. The community college board of a community
5 college may award the appropriate degree upon the completion of
6 a curriculum organized for that purpose and approved by the
7 [~~commission on~~] higher education department. An associate
8 degree or certificate may be awarded only to students as
9 recommended by the faculty, the chief academic officer and the
10 president of the community college as having completed
11 satisfactorily the prescribed course of study. A bachelor of
12 science in nursing may be awarded to students who have
13 successfully completed the prescribed course of study and who
14 are recommended by the nursing faculty, the chief academic
15 officer and the president of the community college.

16 B. The community college board may award an
17 appropriate certificate upon completion of an education
18 curriculum and program leading to alternative certification for
19 degreed [~~individuals~~] persons pursuant to [~~Section 22-10-3.5~~
20 ~~NMSA 1978~~] the School Personnel Act or certification of
21 educational assistant and coursework in elementary and
22 secondary education professional development. The curriculum
23 and program leading to alternative certification or
24 certification of educational assistant shall be approved by the
25 [~~state board of~~] public education department."

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1 SECTION 3. A new section of the Community College Act is
2 enacted to read:

3 "[NEW MATERIAL] BACHELOR'S OF SCIENCE IN NURSING
4 DEGREE.--A community college that has a nursing program on July
5 1, 2019 and awards associate degrees in nursing may extend that
6 program to offer a bachelor's of science in nursing degree.
7 The extended program first shall be approved by the higher
8 education department and shall be accredited by the appropriate
9 accrediting body as a bachelor's level degree in nursing. As
10 used in this section, "accredited" means the nursing program
11 has applied for initial accreditation or is fully accredited."

12 SECTION 4. Section 21-16-2 NMSA 1978 (being Laws 1963,
13 Chapter 108, Section 2, as amended) is amended to read:

14 "21-16-2. DEFINITIONS.--As used in [~~Chapter 21, Article~~
15 ~~16 NMSA 1978~~] the Technical and Vocational Institute Act:

16 A. "technical and vocational institute" means a
17 public educational institution, including a post-secondary
18 educational institution organized before July 1, 1999 as an
19 area vocational school pursuant to Chapter 21, Article 17 NMSA
20 1978 that, except as provided in Section 6 of this 2019 act,
21 provides [~~not to exceed~~] two years of vocational and technical
22 curricula and, in addition, some appropriate courses and
23 programs in the arts and sciences;

24 B. "board" means the governing board of the
25 district;

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1 C. "full-time-equivalent student" means that term
2 as it is defined [~~in Section 21-16-9 NMSA 1978~~] and computed by
3 the higher education department in the same manner in which it
4 defines and computes full-time-equivalent students for all
5 other college-level programs within its jurisdiction;

6 D. "school district" means that term as it is
7 defined in Subsection [F] R of Section 22-1-2 NMSA 1978; and

8 E. "district" means a technical and vocational
9 institute district."

10 SECTION 5. Section 21-16-6 NMSA 1978 (being Laws 1963,
11 Chapter 108, Section 6, as amended) is amended to read:

12 "21-16-6. BOARD--POWERS AND DUTIES.--

13 A. The board shall:

14 (1) determine the financial and educational
15 policies of the technical and vocational institute and provide
16 for the execution of these policies by selecting a competent
17 president for the institute and, upon the president's
18 recommendation, shall employ other administrative personnel,
19 instructional staff or other personnel as may be needed for the
20 operation, maintenance and administration of the institute;

21 (2) fix fee rates and tuition rates for
22 students;

23 (3) have authority to issue certificates of
24 proficiency;

25 (4) have authority to issue associate of arts,

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1 associate of science and associate of applied science degrees;
2 provided that associate degree programs shall be approved by
3 the ~~[commission on]~~ higher education department;

4 (5) have authority to issue bachelor's of
5 science in nursing degrees as provided in Section 6 of this
6 2019 act;

7 [~~(5)~~] (6) have authority to accept gifts,
8 receive federal aid or other aid and purchase, hold, sell and
9 rent property and equipment in the name of the technical and
10 vocational institute district;

11 [~~(6)~~] (7) promote the general welfare of the
12 technical and vocational institute for the best interest of
13 educational service to the people of the technical and
14 vocational institute district; and

15 [~~(7)~~] (8) adopt a name for or change the name
16 of the technical and vocational institute or the institute's
17 campuses, provided no name is adopted in honor of a living
18 person.

19 B. Whenever the board changes the name of a
20 technical vocational institute or the institute's campuses:

21 (1) functions, personnel, appropriations,
22 money, records, equipment and other property of the formerly
23 named institute or campuses shall be transferred to the newly
24 named institute or campuses;

25 (2) existing contracts and agreements in

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1 effect as to the formerly named institute or campuses shall be
2 binding on the newly named institute or campuses; and

3 (3) references in state or local law to the
4 formerly named institute or campuses shall be deemed to refer
5 to the newly named institute or campuses."

6 SECTION 6. A new section of the Technical and Vocational
7 Institute Act is enacted to read:

8 "[NEW MATERIAL] BACHELOR'S OF SCIENCE IN NURSING
9 DEGREE.--A technical and vocational institute that has a
10 nursing program on July 1, 2019 and awards associate degrees in
11 nursing may extend that program to offer a bachelor's of
12 science in nursing degree. The extended program first shall be
13 approved by the higher education department and shall be
14 accredited by the appropriate accrediting body as a bachelor's
15 level degree in nursing. As used in this section, "accredited"
16 means the nursing program has applied for initial accreditation
17 or is fully accredited."

18 SECTION 7. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2019.