

**This is an amendment to 5.7.5 NMAC, Sections 2, 6, 7, 9, 10, 11, 12 and 14, effective 7/30/2019.**

**5.7.5.2 SCOPE:** Provisions for 5.7.5 NMAC apply to certain ~~[education professionals]~~ teachers that are selected to participate in the loan repayment program described in this rule.  
[5.7.5.2 NMAC - N, 10/31/2013; A, 7/30/2019]

**5.7.5.6 OBJECTIVE:** The objective and purpose of 5.7.5 NMAC is to increase the number of teachers in ~~[designated]~~ public schools and the number of teachers in ~~[high-risk]~~ high-need ~~[teacher]~~ positions in public schools through an educational loan repayment program. The program provides for repayment of the principal and reasonable interest accrued on loans obtained from the federal government for teacher education purposes.  
[5.7.5.6 NMAC - N, 10/31/2013; A, 7/30/2019]

**5.7.5.7 DEFINITIONS:**

**A. "Department"** means the New Mexico higher education department.  
**[B.] "Designated high-risk teacher positions"** means teacher positions in specific public schools that:  
~~(1) have been designated by the public education department as schools with a high percentage of students who are not meeting acceptable academic proficiency levels; and~~  
~~(2) are located in geographic areas with a high rate of poverty;]~~  
**[C] B. "Loan"** means a grant of funds to defray the educational expenses incidental to a teacher education, under a contract between the federal government and a teacher, requiring repayment of principal and interest.  
[5.7.5.7 NMAC - N, 10/31/2013; A, 7/30/2019]

**5.7.5.9 TEACHER ELIGIBILITY:**

**A.** ~~[Applicants shall be]~~ To be considered for the program, an applicant must:  
~~(1) be a licensed New Mexico [teachers and shall be bona fide citizens; and] teacher;~~  
~~(2) [shall be bona fide citizens and residents] be a bona fide citizen and resident of the United States and New Mexico; and~~  
~~(3) have taught at least three school-years in New Mexico.~~  
**B.** ~~[Applicants shall declare their intent to practice as teachers in designated high-risk teacher positions in the state].~~ To be considered a high-priority applicant for a loan repayment award the applicant shall be a teacher in a designated high-need position in the state. High-need positions include positions that are:  
~~(1) for teachers who are endorsed and teach bilingual education;~~  
~~(2) for teachers who are endorsed and teach early childhood education or special education;~~  
~~(3) for teachers who are endorsed and teach science, technology, engineering, mathematics or career technical education courses; or~~  
~~(4) in a public school that is low performing or serves a high percentage of economically disadvantaged students.~~  
**C.** Teachers that are not in a designated high-need teacher position may also be considered for loan repayment awards.  
[5.7.5.9 NMAC - N, 10/31/2013; A, 7/30/2019]

**5.7.5.10 LOAN REPAYMENT AWARD CRITERIA; CONTRACT TERMS; PAYMENT:**

**A.** Loan repayment award criteria shall provide that:  
~~(1) for high-priority applicants,~~ award amounts shall be dependent upon a specific public school's need for the designated [high-risk] high-need teacher position, as determined by the public education department, the teacher's total teacher education indebtedness and available balances in the teacher loan repayment fund;  
~~(2) award amounts for other teachers shall be based on the need for a teacher position that can be filled by the applicant, as determined by the public education department, the teacher's total teacher education indebtedness and available balances in the teacher loan repayment fund;~~  
~~[(2)] (3) preference in making awards shall be to teachers who are historically underrepresented minorities in New Mexico's teaching profession or teachers who have graduated from a New Mexico public postsecondary educational institution;~~

~~[(3) — awards shall be made to eligible teachers who fill a designated high risk teacher position;]~~

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

(5) the total amount of awards made to any one teacher shall not exceed the total teacher education indebtedness ~~[of]~~ remaining for that teacher.

**B.** The following teacher education debts are not eligible for repayment pursuant to the Teacher Loan Repayment Act:

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

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

(3) loans from a commercial lender;

(4) personal loans from friends or relatives; and

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

**C.** Every loan repayment award shall be evidenced by a contract between the teacher and the department acting on behalf of the state. The contract shall provide for the annual payment by the state of a stated sum to the teacher's federal government lender and shall state the obligations of the teacher under the program, including a minimum two-school year period of service in a designated ~~[high risk]~~ high-need teacher position, quarterly employment reporting requirements and other obligations established by the department.

**D.** ~~[Teachers who serve a complete school year in a designated high risk teacher position shall receive credit for one year for the purpose of calculating any loan repayment award amounts. The minimum loan repayment award amount to be paid for each school year completed shall be established by the department.]~~  
Execution of the contracts shall occur prior to the start of a school year and the two school year period of service starts at the execution of the contract. Each contract shall be for an initial two school year period. Following completion of the contract a teacher may reapply for consideration of an additional contract. Teachers may receive a maximum of three additional two-year contracts. Contracts between a teacher and the department shall not provide for more than a total of eight years of repayment.

**E.** ~~[The contract between a teacher and the department shall provide that, if the teacher does not comply with the terms of the contract, the teacher shall reimburse the department for all loan payments made on the teacher's behalf, plus reasonable interest at a rate to be determined by the department, unless the department finds acceptable extenuating circumstances for why the teacher cannot serve or comply with the terms of the contract.]~~  
The department shall make an annual payment pursuant to the contract only after the teacher provides verification of satisfactory completion of a full year of teaching as certified by the public education department. If a teacher does not complete the first full year of teaching, the teacher shall forfeit any right to that year's payment under the contract.

**F.** Loan repayment awards shall be in the form of payments from the teacher loan repayment fund directly to the federal government lender of a teacher who has received the award and shall be considered a payment on behalf of the teacher pursuant to the contract between the department and the teacher. A loan repayment award shall not obligate the state or the department to the teacher's federal government lender for any other payment and shall not be considered to create any privity of contract between the state or the department and the lender.

~~[G. — The department, after consulting with the public education department, shall adopt rules to implement the provisions of the Teacher Loan Repayment Act. The rules:~~

~~— (1) — shall provide a procedure for determining the amount of a loan that will be repaid for each year of service in a designated high risk teacher position; and~~

~~— (2) — may provide for the disbursement of loan repayment awards to a teacher's federal government lender in annual or other periodic installments.]~~

[5.7.5.10 NMAC - N, 10/31/2013; A, 7/30/2019]

#### **5.7.5.11 CONTRACTS ~~[AND ENFORCEMENT]~~:**

~~[A.]~~ The general form of a contract required pursuant to the Teacher Loan Repayment Act shall be prepared and approved by the attorney general, and each contract shall be signed by the teacher and the designated representative of the department on behalf of the state.

~~[B. — The department is vested with full and complete authority and power to sue in its own name for any balance due the state from a teacher under any such contract.]~~

[5.7.5.11 NMAC - N, 10/31/2013; A, 7/30/2019]

**5.7.5.12 TEACHER LOAN REPAYMENT FUND CREATED AND METHOD OF PAYMENT:**

**A.** The "teacher loan repayment fund" is created in the state treasury. All money appropriated for the teacher loan repayment program shall be credited to the fund [~~and any repayment of awards and interest received by the department shall be credited to the fund~~]. Income from the fund shall be credited to the fund, and balances in the fund shall not revert to any other fund. Money in the fund is [~~appropriated~~] subject to appropriation by the legislature to the department for making loan repayment awards pursuant to the Teacher Loan Repayment Act.

**B.** All payments for loan repayment awards shall be made upon vouchers signed by the designated representative of the department and upon a warrant issued by the secretary of finance and administration.  
[5.7.5.12 NMAC - N, 10/31/2013; A, 7/30/2019]

**5.7.5.14 REPORTS:** Prior to each regular session of the legislature, the department shall make annual reports to the governor and the legislature of the department's activities pertaining to the Teacher Loan Repayment Act; the loan repayment awards granted; the names and addresses of teachers who received loan repayment awards; the names and locations of the positions filled by those teachers; [~~and~~] the name of each teacher who received a loan repayment award who is not serving in a designated [~~high risk~~] high-need teacher position[~~, the reason the teacher is not serving in a designated high risk teacher position,~~]; the amount owed on [~~the~~] each teacher's loan and the amount paid on [~~the~~] each teacher's loan by [~~any~~] loan repayment awards; and the number of teachers who did not complete a full year of teaching.

[5.7.5.14 NMAC - N, 10/31/2013; A, 7/30/2019]