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AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING NOTICE BEFORE PUBLIC SCHOOLS RELEASE PERSONAL INFORMATION ABOUT STUDENTS TO POST-SECONDARY RECRUITERS; PROVIDING OTHER REQUIREMENTS AND LIMITATIONS.

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

Section 1. A new section of the Public School Code is enacted to read:

"STUDENT INFORMATION--PRIVACY AND CHOICE IN DISCLOSURE--REQUIREMENTS AND LIMITATIONS ON POST-SECONDARY RECRUITMENT.--

A. As used in this section, "post-secondary recruiter" means a person who recruits students to enroll in a school, college or university; to join a branch of the armed services; to join a community or national service organization; or to join a business, firm or other employment.

B. Each school district and charter school shall develop a post-secondary recruitment policy for high school that includes the requirements of Subsection C of this section.

C. Each school district and charter school shall:

(1) provide two written notifications to its students and parents that explains that students who have

1 reached the age of majority and parents of minor students  
2 have the right to withhold personally identifiable and  
3 directory student information from any or all post-secondary  
4 recruiters; provided that the second notification shall be  
5 given not less than two weeks prior to the high school  
6 releasing students' personal information to post-secondary  
7 recruiters; and provided further that each notification shall  
8 include the date on which student personal information will  
9 be released to post-secondary recruiters and the method by  
10 which students and parents may notify the high school of  
11 their choice to withhold personal information;

12 (2) maintain an annual record of students  
13 who have reached the age of majority and parents of minor  
14 students who choose to withhold the student's personal  
15 information from all post-secondary recruiters and shall  
16 consider this withholding to be the final choice of the  
17 student or parent for the duration of the student's  
18 attendance at that high school, unless later changed in  
19 writing by the student who has reached the age of majority or  
20 the parent of a minor student;

21 (3) limit the number of visits and the total  
22 hours of access by a post-secondary recruiter to a set number  
23 of school days that do not exceed six per academic year, per  
24 post-secondary recruiter;

25 (4) require advance notification of at least

1 forty-eight hours before a post-secondary recruiter is  
2 allowed to visit the high school campus to engage in  
3 recruiting activities;

4 (5) maintain a publicly available log of  
5 post-secondary recruiters, their hosting organizations and  
6 the dates and times of visits to the school campus to engage  
7 in recruiting activities;

8 (6) require post-secondary recruiters to  
9 remain in designated locations that are publicly visible and  
10 accessible, such as student centers, classrooms or  
11 cafeterias;

12 (7) require the written permission of a  
13 student's parent before allowing minor students to leave a  
14 school campus with a post-secondary recruiter; and

15 (8) provide for equal access to all  
16 post-secondary recruitment organizations requesting access,  
17 without preference to any individual or group of  
18 organizations."

19 Section 2. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2009.

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