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FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/06

SPONSOR Nava LAST UPDATED _____ HB _____

SHORT TITLE Scholarship Definition of "Full-Time" Student SB 656

ANALYST Williams

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	Minimal	Recurring	Lottery Tuition Scholarship Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 656 authorizes a change in eligibility requirements for students with disabilities participating in the lottery tuition scholarship program.

The Higher Education Department, in consultation with a student and institutional offices serving students with disabilities, may review the definition of "full time" and the maximum number of consecutive semesters of eligibility and adjust either or both as deemed "reasonable and appropriate" based on the student's disability needs. However, "full-time" cannot mean fewer than six credit hours per term, and eligibility would be capped at fourteen consecutive semesters.

FISCAL IMPLICATIONS

The bill does not contain an appropriation. The expansion of eligibility may enable greater numbers of students with disabilities to attend college and to continue from one semester to the next; the effect would increase costs to the lottery tuition scholarship fund. However, to the extent students with disabilities could take fewer courses each semester, then costs to the fund would be reduced. The net effect of these impacts is expected to be minimal.

PED notes “According to the Accountability Data System (ADS), 18,807 students graduated from high school last year, and 2,559 were students with disabilities”, or 13.6 percent. Data on the number of these students continuing on to post-secondary studies and qualifying for the lottery tuition scholarship is not available.

OTHER SUBSTANTIVE ISSUES

According to PED: “The Rehabilitation Act of 1973 (Section 504) prohibits discrimination on the basis of physical or mental disability. 29 U.S.C. Section 794 states: No otherwise qualified individual with a disability in the United States shall solely by reason of his or her disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The Section 504 regulation applies to all recipients of this funding including colleges, universities, and postsecondary vocational education and adult education programs. In regards to postsecondary schools, a recipient shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students’ impaired sensory, manual, or speaking skills.

Aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to the person’s needs.

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits state and local governments from discriminating on the basis of disability. Title II is enforced in public colleges, universities, and graduate and professional schools. The Title II regulation states a public entity shall furnish appropriate auxiliary aids and services where necessary to afford equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the public entity.

A postsecondary institution must make reasonable accommodations. Reasonable accommodations provide students with disabilities with an equal opportunity that allows them to participate in university/college courses, programs, and activities. Universities/colleges must make academic adjustments to allow students an equal opportunity to participate. Academic adjustments may include extended time for testing, completion of course work or graduation, and substitution of specific courses to meet degree requirements. Universities/colleges do not have to provide accommodations that would essentially modify the educational program or academic requirements which are essential to a program of study or fulfill licensing requirements.