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SENATE BILL 49

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Tim Eichenberg

AN ACT

RELATING TO LEGISLATIVE LOTTERY SCHOLARSHIPS; ALLOWING PERSONS WHO COMPLETE IN NEW MEXICO A NATIONALLY ACCREDITED HOME-BASED HIGH SCHOOL EDUCATIONAL PROGRAM TO RECEIVE LEGISLATIVE LOTTERY SCHOLARSHIPS; CLARIFYING GRADUATION FROM A NEW MEXICO HIGH SCHOOL.

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

**SECTION 1.** Section 21-1-4.3 NMSA 1978 (being Laws 1996, Chapter 71, Section 3, as amended) is amended to read:

"21-1-4.3. LEGISLATIVE LOTTERY SCHOLARSHIPS  
AUTHORIZED--CERTAIN EDUCATIONAL INSTITUTIONS.--

A. To the extent that funds are made available by the legislature from the lottery tuition fund, the boards of regents of New Mexico state university, New Mexico institute of mining and technology, eastern New Mexico university, western

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1 New Mexico university, the university of New Mexico, New Mexico  
2 highlands university and northern New Mexico college shall  
3 award legislative lottery scholarships for tuition for  
4 qualified resident students attending their respective  
5 institutions and branches of those institutions.

6 B. Except as otherwise authorized in this section,  
7 the legislative lottery scholarships authorized in this section  
8 shall apply only to full-time resident students who,  
9 immediately upon completion of a high school curriculum at a  
10 public or accredited private New Mexico high school,  
11 immediately upon completion in New Mexico of a nationally  
12 accredited home-based high school educational program or  
13 immediately upon receiving a graduate equivalent diploma, are  
14 accepted for entrance to and attend one of the state  
15 educational institutions set forth in this section or one of  
16 the branches of those institutions. A New Mexico high school  
17 student who participates in the high school's foreign exchange  
18 program and attends a foreign high school in the student's  
19 senior year is considered a graduate of the student's New  
20 Mexico high school for purposes of the legislative lottery  
21 scholarship program.

22 C. Each legislative lottery scholarship shall be  
23 awarded for up to four consecutive years beginning the second  
24 semester of the recipient's first year of enrollment if the  
25 recipient has maintained residency in New Mexico and maintained

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1 a grade point average of 2.5 or higher on a 4.0 scale during  
2 the first semester of full-time enrollment.

3 ~~[G-]~~ D. The legislative lottery scholarships  
4 authorized in this section shall also apply to full-time  
5 resident students who, immediately upon completion of a high  
6 school curriculum at a public or accredited private New Mexico  
7 high school, immediately upon completion in New Mexico of a  
8 nationally accredited home-based high school educational  
9 program or immediately upon receiving a graduate equivalent  
10 diploma, attend a two-year public post-secondary educational  
11 institution in New Mexico and who, upon the completion of that  
12 curriculum or program, or at the end of two years, whichever is  
13 sooner, transfer to one of the post-secondary state educational  
14 institutions set forth in this section. Those students shall  
15 be eligible for a legislative lottery scholarship for two  
16 consecutive years if they maintain residency in New Mexico,  
17 maintain a grade point average of 2.5 or higher on a 4.0 scale  
18 and attend the institution full time during the regular  
19 academic year.

20 ~~[D-]~~ E. The legislative lottery scholarships  
21 authorized in this section shall also apply to full-time  
22 resident students who:

23 (1) within one hundred twenty days of  
24 completion of a high school curriculum at a public or  
25 accredited private New Mexico high school, of completion in New

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1 Mexico of a nationally accredited home-based high school  
2 educational program or of receiving a graduate equivalent  
3 diploma, begin service in the United States armed forces; and

4 (2) within one year of completion of honorable  
5 service or medical discharge from the service, attend one of  
6 the state educational institutions set forth in this section.

7 [~~E.~~] F. The higher education department shall  
8 prepare guidelines setting forth explicit student continuing  
9 eligibility criteria and guidelines for administration of the  
10 legislative lottery scholarship program. Guidelines shall be  
11 distributed to the board of regents of each institution to  
12 enable a uniform availability of the resident student  
13 legislative lottery scholarships.

14 [~~F.~~] G. For purposes of the legislative lottery  
15 scholarship program as it applies to students with  
16 disabilities who may require special accommodations, the  
17 higher education department, in consultation with the student  
18 and the office at the institution that serves students with  
19 disabilities, shall review both the definition of "full time"  
20 and the maximum number of consecutive semesters of  
21 eligibility and adjust either or both as deemed reasonable  
22 and appropriate, based on the student's disability needs. In  
23 no case, however, shall "full time" mean fewer than six  
24 credit hours per semester, and in no case shall eligibility  
25 extend beyond fourteen consecutive semesters."

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1           SECTION 2. Section 21-13-10 NMSA 1978 (being Laws 1963,  
2 Chapter 17, Section 9, as amended) is amended to read:

3           "21-13-10. BOARD DUTIES.--

4           A. It is the duty of the community college board  
5 to determine financial and educational policies of the  
6 community college. The community college board shall provide  
7 for the management of the community college and execution of  
8 these policies by selecting a competent president for the  
9 community college, and, upon the president's recommendation,  
10 the board shall employ other administrative personnel,  
11 instructional staff or other personnel as may be needed for  
12 the operation, maintenance and administration of the  
13 community college.

14           B. The community college board shall have the  
15 power to fix tuition and fee rates for resident and  
16 nonresident students of the community college district, to  
17 accept gifts, to accept federal aid, to purchase, hold, sell  
18 and rent property and equipment and to promote the general  
19 welfare of the institution for the best interest of  
20 educational service to the people of the community college  
21 district.

22           C. To the extent that funds are made available by  
23 the legislature from the lottery tuition fund, the community  
24 college board shall award legislative lottery scholarships  
25 for qualified resident students attending their respective

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1 institutions.

2 D. The legislative lottery scholarships  
3 authorized in this section shall apply only to full-time  
4 resident students who, immediately upon completion of a high  
5 school curriculum at a public or accredited private New  
6 Mexico high school, immediately upon completion in New Mexico  
7 of a nationally accredited home-based high school educational  
8 program or immediately upon receiving a graduate equivalent  
9 diploma, are accepted for entrance to and attend a community  
10 college. A New Mexico high school student who participates  
11 in the high school's foreign exchange program and attends a  
12 foreign high school in the student's senior year is  
13 considered a graduate of the student's New Mexico high school  
14 for purposes of the legislative lottery scholarship program.

15 E. Each legislative lottery scholarship shall be  
16 awarded for up to two consecutive years beginning the second  
17 semester of the recipient's first year of enrollment,  
18 provided that the recipient has maintained residency in New  
19 Mexico and maintained a grade point average of 2.5 or higher  
20 on a 4.0 scale during the first semester of full-time  
21 enrollment.

22 [~~E.~~] F. The higher education department shall  
23 prepare guidelines setting forth explicit student continuing  
24 eligibility criteria and guidelines for administration of the  
25 legislative lottery scholarship program. Guidelines shall be

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1 distributed to community college boards to enable a uniform  
2 availability of the resident student lottery tuition  
3 scholarships.

4 ~~[F-]~~ G. For purposes of the legislative lottery  
5 scholarship program as it applies to students with  
6 disabilities who may require special accommodations, the  
7 higher education department, in consultation with the student  
8 and the office at the community college that serves students  
9 with disabilities, shall review both the definition of "full  
10 time" and the maximum number of consecutive semesters of  
11 eligibility and adjust either or both as deemed reasonable  
12 and appropriate, based on the student's disability needs. In  
13 no case, however, shall "full time" mean fewer than six  
14 credit hours per semester, and in no case shall eligibility  
15 extend beyond fourteen consecutive semesters."

16 **SECTION 3.** Section 21-16-10.1 NMSA 1978 (being Laws  
17 1996, Chapter 71, Section 6, as amended) is amended to read:

18 "21-16-10.1. LEGISLATIVE LOTTERY SCHOLARSHIPS  
19 AUTHORIZED.--

20 A. To the extent that funds are made available by  
21 the legislature from the lottery tuition fund, the board of a  
22 technical and vocational institute shall award legislative  
23 lottery scholarships for qualified resident students  
24 attending a technical and vocational institute.

25 B. The legislative lottery scholarships

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1 authorized in this section shall apply only to full-time  
2 resident students who, immediately upon completion of a high  
3 school curriculum at a public or accredited private New  
4 Mexico high school, immediately upon completion in New Mexico  
5 of a nationally or accredited home-based high school  
6 educational program or immediately upon receiving a graduate  
7 equivalent diploma, are accepted for entrance to and attend a  
8 technical and vocational institute. A New Mexico high school  
9 student who participates in the high school's foreign  
10 exchange program and attends a foreign high school in the  
11 student's senior year is considered a graduate of the  
12 student's New Mexico high school for purposes of the  
13 legislative lottery scholarship program.

14 C. Each legislative lottery scholarship shall be  
15 awarded for up to two consecutive years beginning the second  
16 semester of the recipient's first year of enrollment,  
17 provided that the recipient has maintained residency in New  
18 Mexico and maintained a grade point average of 2.5 or higher  
19 on a 4.0 scale during the first semester of full-time  
20 enrollment with renewal of an additional two years upon  
21 transfer.

22 [~~G-~~] D. The higher education department shall  
23 prepare guidelines setting forth explicit student continuing  
24 eligibility criteria and guidelines for administration of the  
25 legislative lottery scholarship program. Guidelines shall be

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1 distributed to the boards of technical and vocational  
2 institutes to enable a uniform availability of the resident  
3 student legislative lottery scholarships.

4 ~~[D-]~~ E. For purposes of the legislative lottery  
5 scholarship program as it applies to students with  
6 disabilities who may require special accommodations, the  
7 higher education department, in consultation with the student  
8 and the office at the technical and vocational institute that  
9 serves students with disabilities, shall review both the  
10 definition of "full time" and the maximum number of  
11 consecutive semesters of eligibility and adjust either or  
12 both as deemed reasonable and appropriate, based on the  
13 student's disability needs. In no case, however, shall "full  
14 time" mean fewer than six credit hours per semester, and in  
15 no case shall eligibility extend beyond fourteen consecutive  
16 semesters."