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HOUSE BILL 177

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

Harlan Vincent and Rebecca Dow and Luis M. Terrazas

AN ACT

RELATING TO TAXATION; CREATING THE HOME SCHOOL CURRICULUM  
MATERIALS INCOME TAX CREDIT.

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

SECTION 1. A new section of the Income Tax Act is enacted  
to read:

"[NEW MATERIAL] CREDIT--HOME SCHOOL CURRICULUM MATERIALS  
INCOME TAX CREDIT.--

A. A taxpayer who is a resident, who is not a  
dependent of another individual and who is a parent of a  
school-age person who attends a home school that meets the  
requirements of a home school pursuant to the Public School  
Code may claim a credit against the taxpayer's tax liability  
imposed pursuant to the Income Tax Act. The credit authorized  
pursuant to this section may be referred to as the "home school

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1 curriculum materials income tax credit".

2 B. The amount of the tax credit shall be in an  
3 amount equal to the amount the taxpayer spent on curriculum  
4 materials in the taxable year in which the tax credit is  
5 claimed, not to exceed two thousand five hundred dollars  
6 (\$2,500) per school-age person in home school.

7 C. A taxpayer shall apply for certification of  
8 eligibility for the tax credit from the public education  
9 department on forms and in the manner prescribed by that  
10 department. Except as provided in Subsection E of this  
11 section, only one tax credit shall be certified per taxpayer  
12 per taxable year. If the public education department  
13 determines that the taxpayer meets the requirements of this  
14 section, that department shall issue a dated certificate of  
15 eligibility to the taxpayer providing the amount of tax credit  
16 for which the taxpayer is eligible and the taxable years in  
17 which the credit may be claimed. The public education  
18 department shall provide the department with the certificates  
19 of eligibility issued pursuant to this subsection in an  
20 electronic format at regularly agreed upon intervals.

21 D. That portion of the tax credit that exceeds a  
22 taxpayer's income tax liability in the taxable year in which  
23 the credit is claimed shall be refunded to the taxpayer.

24 E. Married individuals filing separate returns for  
25 a taxable year for which they could have filed a joint return

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1 may each claim only one-half of the tax credit that would have  
2 been claimed on a joint return.

3 F. A taxpayer allowed to claim a tax credit  
4 pursuant to this section shall claim the tax credit in a manner  
5 required by the department. The credit shall be claimed within  
6 three taxable years of the end of the year in which the public  
7 education department certifies the credit.

8 G. The credit provided by this section shall be  
9 included in the tax expenditure budget pursuant to Section  
10 7-1-84 NMSA 1978, including the total annual aggregate cost of  
11 the credit.

12 H. As used in this section:

13 (1) "curriculum materials" means resources  
14 used to guide instruction to a school-age person in a home  
15 school classroom, including textbooks, workbooks, manipulatives  
16 and other necessary course materials;

17 (2) "parent" means a guardian or other person  
18 having custody and control of a school-age person; and

19 (3) "school-age person" means a person who is  
20 at least five years of age prior to 12:01 a.m. on September 1  
21 of the school year, who has not received a high school diploma  
22 or its equivalent and who has not reached the person's twenty-  
23 second birthday on the first day of the school year and meets  
24 other criteria provided in the Public School Finance Act."

25 SECTION 2. APPLICABILITY.--The provisions of this act

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apply to taxable years beginning on or after January 1, 2025.