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SENATE BILL 130

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO LOTTERY SCHOLARSHIPS; REQUIRING POST-SECONDARY
EDUCATIONAL INSTITUTIONS TO COUNT TOWARD FULL-TIME ENROLLMENT
ANY COURSES REQUIRED TO BE TAKEN AT OTHER EDUCATIONAL
INSTITUTIONS.

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

Section 1. A new section of Chapter 21, Article 1 NMSA
1978 is enacted to read:

"~~[NEW MATERIAL]~~ LOTTERY SCHOLARSHIPS-- COURSES AT OTHER
EDUCATIONAL INSTITUTIONS COUNTED TOWARD FULL-TIME STATUS--
NOTICE AND OPPORTUNITY TO BE HEARD-- PENALTY. --

A. When a college or academic program of a state
post-secondary educational institution enumerated in Section
21-1-4.3 NMSA 1978 requires a student to enroll in a course at
or through another educational institution, it shall count that

underscored material = new
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1 course when determining the student's full-time enrollment
2 status for purposes of tuition scholarships paid from the
3 lottery tuition fund.

4 B. A state post-secondary educational institution
5 shall not deny eligibility for a tuition scholarship based on a
6 student's change in full-time enrollment status, until it has
7 given the student at least ten days' notice and provided the
8 student with an opportunity to demonstrate that he is taking a
9 full-time course load at that institution or at another
10 educational institution as required by the college or academic
11 program of the post-secondary educational institution.

12 C. A student aggrieved of a decision of the state
13 post-secondary educational institution may appeal the decision
14 to the commission on higher education, which shall hear the
15 appeal within twenty days. If the institution denied
16 eligibility for a tuition scholarship in violation of
17 Subsection A of this section, it shall reimburse the student
18 the complete cost, including tuition, books and fees, of each
19 course for which the student was enrolled that semester at any
20 educational institution, including the state post-secondary
21 educational institution."

22 Section 2. A new section of Chapter 21, Article 13 NMSA
23 1978 is enacted to read:

24 "[NEW MATERIAL] LOTTERY SCHOLARSHIPS-- COURSES AT OTHER
25 EDUCATIONAL INSTITUTIONS COUNTED TOWARD FULL-TIME STATUS--

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1 NOTICE AND OPPORTUNITY TO BE HEARD-- PENALTY. --

2 A. When an academic program of a community college
3 requires a student to enroll in a course at or through another
4 educational institution, it shall count that course when
5 determining the student's full-time enrollment status for
6 purposes of tuition scholarships paid from the lottery tuition
7 fund.

8 B. A community college shall not deny eligibility
9 for a tuition scholarship based on a student's change in full-
10 time enrollment status, until it has given the student at least
11 ten days' notice and provided the student with an opportunity
12 to demonstrate that he is taking a full-time course load at the
13 community college or at another educational institution as
14 required by the academic program of the community college.

15 C. A student aggrieved of a decision of the
16 community college may appeal the decision to the commission on
17 higher education, which shall hear the appeal within twenty
18 days. If the community college denied eligibility for a
19 tuition scholarship in violation of Subsection A of this
20 section, it shall reimburse the student the complete cost,
21 including tuition, books and fees, of each course for which the
22 student was enrolled that semester at any educational
23 institution, including the community college. "

24 Section 3. A new section of Chapter 21, Article 16 NMSA
25 1978 is enacted to read:

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1 " [NEW MATERIAL] LOTTERY SCHOLARSHIPS-- COURSES AT OTHER
2 EDUCATIONAL INSTITUTIONS COUNTED TOWARD FULL-TIME STATUS--
3 NOTICE AND OPPORTUNITY TO BE HEARD-- PENALTY. --

4 A. When an academic program of a technical and
5 vocational institute requires a student to enroll in a course
6 at or through another educational institution, it shall count
7 that course when determining the student's full-time enrollment
8 status for purposes of tuition scholarships paid from the
9 lottery tuition fund.

10 B. A technical and vocational institute shall not
11 deny eligibility for a tuition scholarship based on a student's
12 change in full-time enrollment status, until it has given the
13 student at least ten days' notice and provided the student with
14 an opportunity to demonstrate that he is taking a full-time
15 course load at the technical and vocational institute or at
16 another educational institution as required by the academic
17 program of the technical and vocational institute.

18 C. A student aggrieved of a decision of the
19 technical and vocational institute may appeal the decision to
20 the commission on higher education, which shall hear the appeal
21 within twenty days. If the technical and vocational institute
22 denied eligibility for a tuition scholarship in violation of
23 Subsection A of this section, it shall reimburse the student
24 the complete cost, including tuition, books and fees, of each
25 course for which the student was enrolled that semester at any

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1 educational institution, including the technical and vocational
2 institute. "

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