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HOUSE BILL 217

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

INTRODUCED BY

Nora Espinoza

AN ACT

RELATING TO LEGISLATIVE LOTTERY SCHOLARSHIPS; ALLOWING HOME-BASED EDUCATIONAL PROGRAM STUDENTS TO RECEIVE LEGISLATIVE LOTTERY SCHOLARSHIPS.

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 New Mexico university, the university of New Mexico, New Mexico highlands university and northern New Mexico college shall

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1 award legislative lottery scholarships for tuition for
2 qualified resident students attending their respective
3 institutions and branches of those institutions.

4 B. Except as otherwise authorized in this section,
5 the legislative lottery scholarships authorized in this section
6 shall apply only to full-time resident students who,
7 immediately upon completion of a high school curriculum at a
8 public or accredited private New Mexico high school or
9 completion of a home-based educational program, or upon
10 receiving a graduate equivalent diploma, are accepted for
11 entrance to and attend one of the state educational
12 institutions set forth in this section or one of the branches
13 of those institutions. Each legislative lottery scholarship
14 shall be awarded for up to four consecutive years beginning the
15 second semester of the recipient's first year of enrollment if
16 the recipient has maintained residency in New Mexico and
17 maintained a grade point average of 2.5 or higher on a 4.0
18 scale during the first semester of full-time enrollment.

19 C. The legislative lottery scholarships authorized
20 in this section shall also apply to full-time resident students
21 who, immediately upon completion of a high school curriculum at
22 a public or accredited private New Mexico high school or
23 completion of a home-based educational program, or upon
24 receiving a graduate equivalent diploma, attend a two-year
25 public post-secondary educational institution in New Mexico and

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1 who, upon the completion of that curriculum or program, or at
2 the end of two years, whichever is sooner, transfer to one of
3 the post-secondary state educational institutions set forth in
4 this section. Those students shall be eligible for a
5 legislative lottery scholarship for two consecutive years if
6 they maintain residency in New Mexico, maintain a grade point
7 average of 2.5 or higher on a 4.0 scale and attend the
8 institution full time during the regular academic year.

9 D. The legislative lottery scholarships authorized
10 in this section shall also apply to full-time resident students
11 who:

12 (1) within one hundred twenty days of
13 completion of a high school curriculum at a public or
14 accredited private New Mexico high school or completion of a
15 home-based educational program, or of receiving a graduate
16 equivalent diploma, begin service in the United States armed
17 forces; and

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

21 E. The higher education department shall prepare
22 guidelines setting forth explicit student continuing
23 eligibility criteria and guidelines for administration of the
24 legislative lottery scholarship program. Guidelines shall be
25 distributed to the board of regents of each institution to

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1 enable a uniform availability of the resident student
2 legislative lottery scholarships.

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

15 G. As used in this section, "home-based
16 educational program" means a home study program of
17 instruction operated by the parent of a school-age person
18 that provides a basic academic educational program, including
19 reading, language arts, mathematics, social studies and
20 science, and that is registered with the public education
21 department as provided in Section 22-1-2.1 NMSA 1978."

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

24 "21-13-10. BOARD DUTIES.--

25 A. It is the duty of the community college board

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

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

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

23 D. The legislative lottery scholarships
24 authorized in this section shall apply only to full-time
25 resident students who, immediately upon completion of a high

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1 school curriculum at a public or accredited private New
2 Mexico high school or completion of a home-based educational
3 program, or upon receiving a graduate equivalent diploma, are
4 accepted for entrance to and attend a community college.

5 Each legislative lottery scholarship shall be awarded for up
6 to two consecutive years beginning the second semester of the
7 recipient's first year of enrollment, provided that the
8 recipient has maintained residency in New Mexico and
9 maintained a grade point average of 2.5 or higher on a 4.0
10 scale during the first semester of full-time enrollment.

11 E. The higher education department shall prepare
12 guidelines setting forth explicit student continuing
13 eligibility criteria and guidelines for administration of the
14 legislative lottery scholarship program. Guidelines shall be
15 distributed to community college boards to enable a uniform
16 availability of the resident student lottery tuition
17 scholarships.

18 F. For purposes of the legislative lottery
19 scholarship program as it applies to students with
20 disabilities who may require special accommodations, the
21 higher education department, in consultation with the student
22 and the office at the community college that serves students
23 with disabilities, shall review both the definition of "full
24 time" and the maximum number of consecutive semesters of
25 eligibility and adjust either or both as deemed reasonable

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1 and appropriate, based on the student's disability needs. In
2 no case, however, shall "full time" mean fewer than six
3 credit hours per semester, and in no case shall eligibility
4 extend beyond fourteen consecutive semesters.

5 G. As used in this section, "home-based
6 educational program" means a home study program of
7 instruction operated by the parent of a school-age person
8 that provides a basic academic educational program, including
9 reading, language arts, mathematics, social studies and
10 science, and that is registered with the public education
11 department as provided in Section 22-1-2.1 NMSA 1978."

12 SECTION 3. Section 21-16-10.1 NMSA 1978 (being Laws
13 1996, Chapter 71, Section 6, as amended) is amended to read:

14 "21-16-10.1. LEGISLATIVE LOTTERY SCHOLARSHIPS
15 AUTHORIZED.--

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

21 B. The legislative lottery scholarships
22 authorized in this section shall apply only to full-time
23 resident students who, immediately upon completion of a high
24 school curriculum at a public or accredited private New
25 Mexico high school or completion of a home-based educational

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1 program, or upon receiving a graduate equivalent diploma, are
2 accepted for entrance to and attend a technical and
3 vocational institute. Each legislative lottery scholarship
4 shall be awarded for up to two consecutive years beginning
5 the second semester of the recipient's first year of
6 enrollment, provided that the recipient has maintained
7 residency in New Mexico and maintained a grade point average
8 of 2.5 or higher on a 4.0 scale during the first semester of
9 full-time enrollment with renewal of an additional two years
10 upon transfer.

11 C. The higher education department shall prepare
12 guidelines setting forth explicit student continuing
13 eligibility criteria and guidelines for administration of the
14 legislative lottery scholarship program. Guidelines shall be
15 distributed to the boards of technical and vocational
16 institutes to enable a uniform availability of the resident
17 student legislative lottery scholarships.

18 D. For purposes of the legislative lottery
19 scholarship program as it applies to students with
20 disabilities who may require special accommodations, the
21 higher education department, in consultation with the student
22 and the office at the technical and vocational institute that
23 serves students with disabilities, shall review both the
24 definition of "full time" and the maximum number of
25 consecutive semesters of eligibility and adjust either or

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1 both as deemed reasonable and appropriate, based on the
2 student's disability needs. In no case, however, shall "full
3 time" mean fewer than six credit hours per semester, and in
4 no case shall eligibility extend beyond fourteen consecutive
5 semesters.

6 E. As used in this section, "home-based
7 educational program" means a home study program of
8 instruction operated by the parent of a school-age person
9 that provides a basic academic educational program, including
10 reading, language arts, mathematics, social studies and
11 science, and that is registered with the public education
12 department as provided in Section 22-1-2.1 NMSA 1978."