

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 429

52nd Legislature, 1st Session, 2015

Tracking Number: .199855.1

Short Title: Lottery Scholarships for Home School

Sponsor(s): Representatives Bob Wooley, David M. Gallegos, Cathrynn N. Brown, Paul A. Pacheco, and Others

Analyst: Travis Dulany

Date: February 25, 2015

Bill Summary:

HB 429 amends the *Legislative Lottery Tuition Scholarship Act* to:

- allow home school students to qualify for Legislative Lottery Tuition Scholarships by completing the requirements of a home-based educational program; and
- replace the term “accredited private New Mexico high school” with “non-public school primary educational program” (see “Technical Issues,” below).

Fiscal Impact:

HB 429 does not contain an appropriation.

Fiscal Issues:

Citing data from the National Center for Education Statistics indicating that approximately 3.4 percent of all K-12 students are home-schooled, the Higher Education Department (HED) estimates that approximately 900 home school students could become eligible for the Legislative Lottery Tuition Scholarship per year under the provisions of HB 429. With this assumption, and noting that the average per student cost for the scholarship program in FY 14 was \$3,049, HED reports that the maximum impact on the Lottery Tuition Fund would be \$2.74 million per year if HB 429 is enacted.

HED does caution, however, that this figure is the maximum potential cost increase, and the actual impact may be less. Further, it is unclear how many home school students become eligible for the Legislative Lottery Tuition Scholarship under the current provisions of the law by receiving a High School Equivalency Credential (see “Substantive Issues,” below).

Technical Issues:

As noted under “Bill Summary,” above, HB 429 replaces the term “accredited private New Mexico high school” with the term “non-public school primary educational program.” Because the new term is undefined, it is unclear whether a “*primary* educational program” [emphasis added] is equivalent to a high school-level educational program

Further, although the title of the bill suggests that the focus is on home school students exclusively, HB 429 also amends the requirements applicable to students in private schools. Whereas current law requires that the private school be accredited, HB 429 extends lottery scholarship eligibility to students who have completed the requirements of a “non-public school,” presumably a private school but not necessarily an accredited private school.

Substantive Issues:

Provisions in the *Legislative Lottery Tuition Scholarship Act* allow students who receive a High School Equivalency Credential while maintaining residency in New Mexico to be eligible for the Legislative Lottery Tuition Scholarship. This provision is often cited as a method by which home school students may qualify for this scholarship; however, it may be important to note that the cost to take the High School Equivalency Credential tests can be as high as \$120 per test-taker, not including test preparation materials.

Background:

Home Schooling

Provisions in the *Public School Code* require any person operating or intending to operate a home school to:

- submit a home school registration form made available by the Public Education Department to notify the department within 30 days of the establishment of the home school and to notify the department on or before August 1 of each subsequent year of operation of the home school;
- maintain records of student disease immunization or waiver of that requirement; and
- provide instruction by a person possessing at least a high school diploma or its equivalent.

Further, provisions in the *Public School Finance Act* allow for program units for home school students who are:

- participating in school district activities governed by the New Mexico Activities Association; or
- enrolled in one or more classes in a public school district.

With regard to higher education law:

- legislation enacted during the 2014 legislative session (Laws 2014, Chapter 12) allowed home school students to participate in the state’s dual credit program; and
- statute relating to home school students specifies:
 - “In determining the standard of requirements for admission to any public post-secondary educational institution, the board of regents, governing board or community college board shall not require a student who has completed the requirements of a home-based or non-public school educational program and who has submitted test scores that otherwise qualify him for admission to that institution, to obtain or submit proof of having obtained a [high school equivalency credential]”; and

- “In determining requirements for admission, the board of regents, governing board or community college board shall evaluate and treat applicants from home-based or non-public educational programs fairly and in a nondiscriminatory manner.”

Legislative Lottery Tuition Scholarship

Created by legislation enacted in 1996, the Legislative Lottery Tuition Scholarship is a renewable award granted to qualified students beginning in their second semester at a public postsecondary institution in New Mexico. The scholarship covers the cost of tuition only. Students are responsible for additional educational expenses such as student fees, course materials, and housing.

Under the newly enacted *Legislative Lottery Tuition Scholarship Act*, a student must:

- maintain residency in New Mexico;
- have graduated from a public or accredited private New Mexico high school or have obtained a New Mexico High School Equivalency Credential while maintaining New Mexico residency;
- enroll full-time (in at least 15 credit hours, or 12 credit hours for legacy students¹ and community college students) at an eligible New Mexico postsecondary educational institution immediately upon graduation; and
- attain and maintain a grade-point average of at least 2.5.

State law also provides for specific accommodations with regard to:

- students with disabilities; and
- individuals who either immediately enlist in, or have recently departed from, the US Armed Forces.

Committee Referrals:

HEC/HWMC

Related Bills:

HB 375 *Branch Colleges in Tuition Scholarship*
HB 460 *Study Lottery Tuition Recipient Monitoring*
HM 93 *Year-round Legislative Lottery Scholarship*
SB 521 *Lottery Scholarships for Home School (Identical)*
SB 657 *Lottery Scholarship as Full Scholarship*

¹ As defined in the *Legislative Lottery Tuition Scholarship Act*, a legacy student is one who has received the Legislative Lottery Tuition Scholarship for three or more semesters prior to the end of FY 14.