

SENATE BILL 49

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

INTRODUCED BY

Tim Eichenberg

With CAPE-NM recommendations in red

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

B. Except as otherwise authorized in this section, the legislative lottery scholarships authorized in this section shall apply only to full-time resident students who, immediately upon completion of a high school curriculum ~~at a public or accredited private New Mexico high school, immediately upon completion in New Mexico of a nationally accredited home-based high school educational program~~ or immediately upon receiving a graduate equivalent diploma, are accepted for entrance to and attend one of the state educational institutions set forth in this section or one of the branches of those institutions. ~~A New Mexico high school student who participates in the high school's foreign exchange program and attends a foreign high school in the student's senior year is considered a graduate of the student's New Mexico high school for purposes of the legislative lottery scholarship program.~~ C. Each legislative lottery scholarship

shall be awarded for up to four consecutive years beginning the second semester of the recipient's first year of enrollment if the recipient has maintained residency in New Mexico and maintained a grade point average of 2.5 or higher on a 4.0 scale during the first semester of full-time enrollment.

[E-] D. The legislative lottery scholarships authorized in this section shall also apply to full-time resident students who, immediately upon completion of a high school curriculum ~~at a public or accredited private New Mexico high school, immediately upon completion in New Mexico of a nationally accredited home-based high school educational program~~ or immediately upon

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

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

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

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

[E-] F. The higher education department shall prepare guidelines setting forth explicit student continuing eligibility criteria and guidelines for administration of the legislative lottery scholarship program. Guidelines shall be distributed to the board

of regents of each institution to enable a uniform availability of the resident student legislative lottery scholarships.

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

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

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

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

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

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

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

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

~~[E-]~~ F. The higher education department shall prepare guidelines setting forth explicit student continuing eligibility criteria and guidelines for administration of the legislative lottery scholarship program. Guidelines shall be distributed to community college boards to enable a uniform availability of the resident student lottery tuition scholarships.

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

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

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

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

B. The legislative lottery scholarships authorized in this section shall apply only to full-time resident students who, immediately upon completion of a high school curriculum ~~at a public or accredited private New Mexico high school, immediately upon completion in New Mexico of a nationally or accredited home-based high school educational program~~ or immediately upon receiving a graduate equivalent diploma, are accepted for entrance to and attend a technical and vocational institute. ~~A New Mexico high school student who participates in the high school's foreign exchange program and attends a foreign high school in the student's senior year is considered a graduate of the student's New Mexico high school for purposes of the legislative lottery scholarship program.~~

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

the first semester of full-time enrollment with renewal of an additional two years upon transfer.

~~[C-]~~ D. The higher education department shall prepare guidelines setting forth explicit student continuing eligibility criteria and guidelines for administration of the legislative lottery scholarship program. Guidelines shall be distributed to the boards of technical and vocational institutes to enable a uniform availability of the resident student legislative lottery scholarships.

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