HOUSE BILL 55

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

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AN ACT

RELATING TO TAXATION; AMENDING THE INCOME TAX ACT TO PROVIDE A DEDUCTION FROM INCOME FOR EACH DEPENDENT SCHOOL-AGE CHILD HOME SCHOOLED.

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] DEDUCTION--HOME SCHOOLING.--

A.   A taxpayer who files an individual New Mexico income tax return and is not a dependent of another taxpayer may claim a deduction from net income in an amount equal to one thousand dollars ($1,000) for each school-age child who may be claimed by the taxpayer as a dependent in the taxable year for which the deduction is claimed if the taxpayer provided home schooling to the school-age child for more than

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1   six months in the taxable year. A husband and wife who file

2   separate returns for the taxable year in which they could have

3   filed a joint return may each claim only one-half of the

4   deduction that would have been allowed on the joint return.

5   B.   For the purposes of this section:

6   (1)   "home schooling" means instruction for a

7   school-age child by a parent in lieu of public or private

8   school that provides a basic academic educational program

9   including reading, language arts, mathematics, social studies

10   and science; and

11   (2)   "school-age child" means a child who is

12   at least five years of age prior to 12:01 a.m. on September 1

13   of the school year and not older than eighteen years of age

14   who has not received a high school diploma or its equivalent;

15   provided, however, that the maximum age of twenty-one shall be

16   used for persons who would be classified as special education

17   membership in public school."

18   Section 2.   APPLICABILITY.--The provisions of this act

19   apply to taxable years beginning on or after January 1, 2001.

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