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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**57th Legislature, 1st Session, 2025**

<b>Bill Number</b>	<u>HJR16</u>	<b>Sponsor</b>	<u>Montoya/Dow/Terrazas/Duncan</u>
<b>Tracking Number</b>	<u>.229055.1</u>	<b>Committee Referrals</b>	<u>HGEIC/HEC/HJC</u>
<b>Short Title</b>	<u>Funding for Home or Private School, CA</u>		
<b>Analyst</b>	<u>Estupiñan</u>	<b>Original Date</b>	<u>2/13/2025</u>
		<b>Last Updated</b>	<u></u>

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**BILL SUMMARY**

Synopsis of Bill

House Joint Resolution 16 (HJR16) would propose to amend Article 4, Section 31 of the New Mexico Constitution to allow for state funding to parents or legal guardians of school-age children attending a home school or private nonsectarian, nondenominational school program.

As this is a constitutional amendment, its adoption is subject to voter approval at the next general election or special election prior to the date of the next general election.

**FISCAL IMPACT**

Joint resolutions do not carry appropriations.

Section 1-16-4 NMSA 1978 requires the Secretary of State (SOS) to print the full text of each proposed constitutional amendment, in Spanish and English, in an amount equal to 10 percent of the registered voters in the state. The cost of producing the voter guide will change depending upon the number and length of the constitutional amendments passed and the number of registered voters. The SOS is also constitutionally required to publish the full text of each proposed constitutional amendment once a week for four weeks preceding the election in newspapers in every county in the state. Again, the publishing cost will vary based on the length of the ballot question. For reference, the SOS published three constitutional amendments and three bond questions for approximately \$404 thousand in 2022.

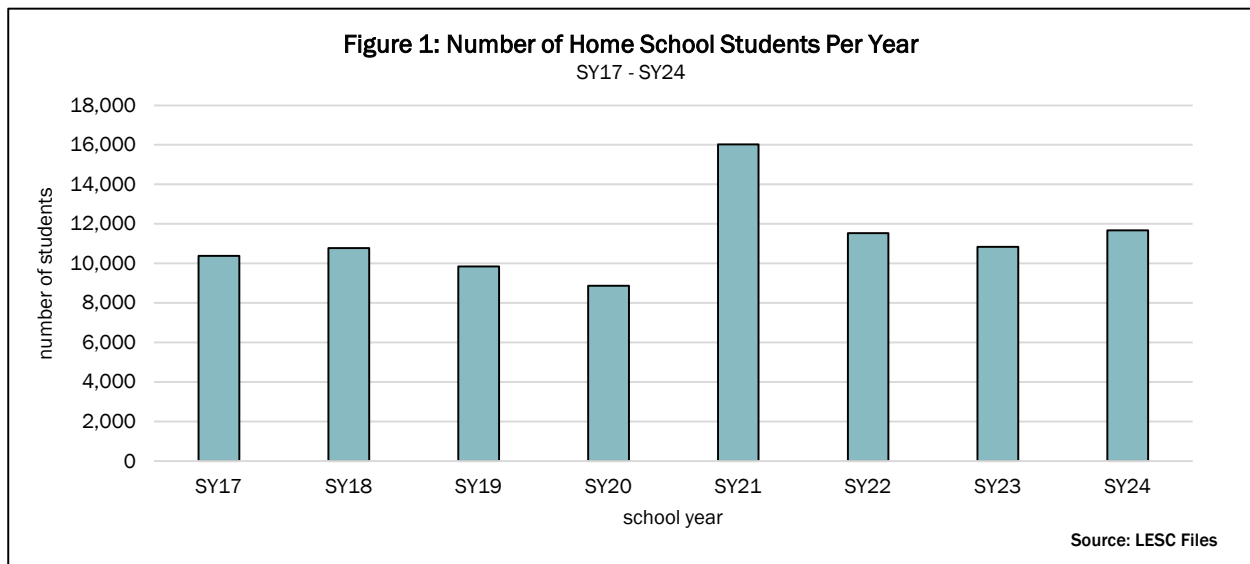
**SUBSTANTIVE ISSUES**

**Current Constitutional Provisions.** Article 4, Section 31 of the New Mexico Constitution bars any appropriation for any charitable, *educational*, or other benevolent purpose to any person, corporation, association, institution or community, not under the absolute control of the state. Further, Article 12, Section 3 of the state constitution provides that, “[t]he schools, colleges, universities and other educational institutions provided for by this constitution shall forever remain under the exclusive control of the state, and no . . . funds appropriated, levied or collected for

educational purposes, shall be used for the support of any sectarian, denominational or private school, college or university.”

Article 9, Section 14 of the New Mexico Constitution—the “anti-donation clause”—generally prohibits the state, counties, school districts, and municipalities from making any donation or financial provision for any person or private enterprise but provides for certain exceptions.

**Statistics of Home and Private School Students.** During SY24, there were approximately 11.7 thousand students who were identified by the Public Education Department (PED) as being enrolled in a home school program. The latest number of home school students is a significant decrease from the height of the pandemic in SY21, but the number of home school students remains elevated compared to pre-pandemic levels (see **Figure 1: Number of Home School Students Per Year.**)



According to the National Center for Education Statistics, there were also 22 thousand students in New Mexico who were enrolled in 164 private schools during the 2020-2021 school year (SY21), for a combined 38 thousand students who were enrolled outside of the public education system in that school year. This compares to the reported student membership of 321 thousand in the public education system in SY21.

**SOURCES OF INFORMATION**

- LESC Files

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