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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 1st Session, 2017**

<b>Bill Number</b>	<u>SB188</u>	<b>Sponsor</b>	<u>Senator Stefanics &amp; Representative Armstrong, D.</u>
<b>Tracking Number</b>	<u>.205726.2</u>	<b>Committee Referrals</b>	<u>SEC/SFC</u>
<b>Short Title</b>	<u>Disabilities Students Lottery Scholarships</u>		
<b>Analyst</b>	<u>Rogne</u>	<b>Original Date</b>	<u>2/1/2017</u>
		<b>Last Updated</b>	<u></u>

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## **BILL SUMMARY**

### Synopsis of Bill

Senate Bill 188 (SB188) amends the Legislative Lottery Tuition Scholarship Act to include eligibility for students with disabilities who had to leave the state to receive an education pursuant to the federal Individuals with Disabilities Education Act (IDEA). A student would be eligible for a tuition scholarship as long as the student is a resident of New Mexico, graduated from an accredited high school, and otherwise meets the definition of “qualified student.”

## **FISCAL IMPACT**

SB188 does not contain an appropriation. This bill will have a fiscal impact in that it could slightly increase the number of students eligible to receive the legislative lottery scholarship.

## **SUBSTANTIVE ISSUES**

SB188 adds language to Section 21-21N-3 NMSA 1978 stating that New Mexico residents who leave the state for educational purposes pursuant to the federal IDEA are eligible to receive the legislative lottery tuition scholarship as long as they graduated from an accredited high school and otherwise meet the eligibility requirements.

According to HED, the intent of SB188 is already covered by the New Mexico Administrative Code (NMAC):

- Students who graduate from an out-of-state accredited high school can still be eligible for the New Mexico Legislative Lottery Scholarship under exceptional mitigating circumstances, as determined by a higher education institution’s lead financial aid officer. (5.7.20.8 NMAC)
- Students can be exempted from certain eligibility requirements for the Legislative Lottery Scholarship so long as the student can provide documentation relating to their exceptional

mitigating circumstance and the higher education institution's lead financial officer recognizes the mitigating circumstance as valid. (5.7.20.8 NMAC)

However, the existing code places the onus on students to be aware of these exceptions and to seek out the determination of a higher education institution's lead financial officer, which could vary on a case-by-case basis. SB188 would eliminate the administrative burden the NMAC places on students.

The New Mexico Governor's Commission on Disability notes that SB188 ensures equal opportunity for students who have to attend a residential school or other specialized educational program out of state for special services or accommodation pursuant to IDEA.

### **ADMINISTRATIVE IMPLICATIONS**

According to the Higher Education Department (HED), if SB188 passed, the financial aid offices of New Mexico's postsecondary educational institutions would need to be aware of the amended language in Section 21-21N-3 NMSA 1978 when administering the legislative lottery scholarship.

### **RELATED BILLS**

Related to HB194, Lottery Scholarship Full & Need-Based, a bill which makes the lottery tuition scholarship a full scholarship awarded based on financial need.

Related to SB192, Transfer of Lottery Funds, a bill eliminating the 30 percent monthly transfer of gross revenue to the lottery tuition fund and adding new language that all estimated net revenue from the sale of lottery games shall be transferred to the lottery tuition fund.

### **SOURCES OF INFORMATION**

- LESC Files
- New Mexico Governor's Commission on Disability
- Higher Education Department
- Central New Mexico Community College
- Western New Mexico University

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