

1 SENATE BILL 239

2 56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO HIGHER EDUCATION SCHOLARSHIPS; AMENDING CERTAIN
12 DEFINITIONS IN THE LEGISLATIVE LOTTERY TUITION SCHOLARSHIP ACT;
13 CHANGING CERTAIN REQUIREMENTS FOR ELIGIBILITY FOR THE
14 LEGISLATIVE LOTTERY TUITION SCHOLARSHIP; PROVIDING AN EXCEPTION
15 TO THE MINIMUM CREDIT-HOUR ELIGIBILITY REQUIREMENT IN THE
16 OPPORTUNITY SCHOLARSHIP ACT; EXEMPTING DUAL CREDIT CLASSES FROM
17 COUNTING TOWARD THE OPPORTUNITY SCHOLARSHIP CREDIT-HOUR CAP;
18 ALLOWING CREDIT FOR SUMMER SEMESTERS IN EACH SCHOLARSHIP.

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. Section 21-21N-2 NMSA 1978 (being Laws 2014,
22 Chapter 80, Section 2, as amended) is amended to read:

23 "21-21N-2. DEFINITIONS.--As used in the Legislative
24 Lottery Tuition Scholarship Act:

25 A. "community college" means a branch community

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1 college of a four-year state educational institution, a two-
2 year state educational institution or a community college or
3 technical and vocational institute established pursuant to
4 Chapter 21, Article 13 or 16 NMSA 1978, respectively;

5 B. "comprehensive institution" means eastern New
6 Mexico university, western New Mexico university, New Mexico
7 highlands university or northern New Mexico college;

8 C. "department" means the higher education
9 department;

10 D. "full time" means [~~fifteen~~] thirty or more
11 credit hours each [~~semester of the regular academic~~] year in
12 state educational institutions and [~~twelve~~] twenty-four or more
13 credit hours each [~~semester of the regular academic~~] year in
14 community colleges [~~or for legacy students in any program~~
15 ~~semester~~];

16 E. "fund" means the lottery tuition fund;

17 [~~F. "legacy student" means a full-time resident~~
18 ~~student who has received for three or more program semesters by~~
19 ~~the end of fiscal year 2014 the legislative lottery scholarship~~
20 ~~awarded pursuant to the former provisions of Sections 21-1-4.3,~~
21 ~~21-13-10 and 21-16-10.1 NMSA 1978 prior to the enactment of the~~
22 ~~Legislative Lottery Tuition Scholarship Act;~~

23 G.] F. "program semesters" means those semesters
24 for which a [~~legacy or~~] qualified student may receive a tuition
25 scholarship, which includes the summer semester and excludes

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1 the first semester of attendance at a public post-secondary
2 educational institution;

3 ~~[H.]~~ G. "public post-secondary educational
4 institution" means a four-year state educational institution or
5 a community college;

6 ~~[F.]~~ H. "qualified student" means a full-time
7 student who graduated from a public or accredited private New
8 Mexico high school ~~[in the state]~~ or completed the requirements
9 of a home-based or ~~[non-public-school primary]~~ nonpublic
10 secondary educational program in ~~[the state]~~ New Mexico or
11 received a high school equivalency credential while maintaining
12 residency in New Mexico and who:

13 (1) either:

14 (a) within sixteen months of graduation
15 from ~~[a public school in this state]~~ or completion of ~~[the~~
16 ~~requirements of a home-based or non-public-school primary~~
17 ~~educational program or receipt of a high school equivalency~~
18 ~~credential, was accepted for entrance to and attended] a~~
19 secondary educational program specified in this subsection,
20 attends a public post-secondary educational institution or
21 tribal college; or

22 (b) within four months of graduation
23 from ~~[a public school in this state]~~ or completion of ~~[the~~
24 ~~requirements of a home-based or non-public-school primary~~
25 ~~educational program or receipt of a high school equivalency~~

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1 ~~credential]~~ a secondary educational program specified in this
2 subsection, began service in the United States armed forces and
3 within sixteen months of completion of honorable service or
4 medical discharge from the service, ~~[attended]~~ attends a public
5 post-secondary educational institution or tribal college; and

6 (2) successfully completed the first semester
7 at a public post-secondary educational institution with a grade
8 point average of 2.5 or higher on a 4.0 scale during the first
9 semester ~~[of full-time enrollment]~~ and took twelve or more
10 credit hours;

11 ~~[J.]~~ I. "research institution" means the university
12 of New Mexico, New Mexico state university or New Mexico
13 institute of mining and technology;

14 ~~[K.]~~ J. "state educational institution" means an
15 institution of higher education enumerated in Article 12,
16 Section 11 of the constitution of New Mexico;

17 ~~[L.]~~ K. "tribal college" means a tribally,
18 federally or congressionally chartered post-secondary
19 educational institution located in New Mexico that is
20 accredited by the higher learning commission; and

21 ~~[M.]~~ L. "tuition scholarship" means the scholarship
22 that provides tuition assistance per program semester for a
23 qualified student ~~[or legacy student]~~ attending a public post-
24 secondary educational institution or tribal college."

25 **SECTION 2.** Section 21-21N-3 NMSA 1978 (being Laws 2014,
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1 Chapter 80, Section 3, as amended by Laws 2019, Chapter 33,
2 Section 1 and by Laws 2019, Chapter 54, Section 2) is amended
3 to read:

4 "21-21N-3. TUITION SCHOLARSHIPS AUTHORIZED--QUALIFIED
5 STUDENTS.--

6 A. To the extent that funds are made available by
7 the legislature from the fund, the boards of regents or
8 governing bodies of public post-secondary educational
9 institutions and tribal colleges shall award tuition
10 scholarships in department-approved amounts to qualified
11 students [~~and legacy students~~] attending their respective
12 public post-secondary educational institutions.

13 B. [~~Beginning in fiscal year 2015:~~

14 ~~(1) a legacy student is eligible to receive a~~
15 ~~tuition scholarship until the total number of program semesters~~
16 ~~for which the legislative lottery scholarship is received~~
17 ~~pursuant to the former provisions of Sections 21-1-4.3,~~
18 ~~21-13-10 and 21-16-10.1 NMSA 1978 or the Legislative Lottery~~
19 ~~Tuition Scholarship Act reaches eight; provided that the legacy~~
20 ~~student maintains residency in New Mexico, maintains a grade~~
21 ~~point average of 2.5 or higher on a 4.0 scale and completes~~
22 ~~twelve or more credit hours per program semester; and~~

23 (2)] A qualified student [~~who is not a legacy~~
24 ~~student~~] is eligible to receive the tuition scholarship for a
25 maximum of seven fall and spring program semesters and a

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1 maximum of three summer semesters, or no more than three and
2 one-half years for a bachelor's degree, in an amount determined
3 pursuant to the provisions of Section 21-21N-4 NMSA 1978.

4 C. Except as otherwise provided in this section, a
5 tuition scholarship may be awarded to a qualified student who:

6 (1) maintains residency in New Mexico;

7 (2) maintains a grade point average of 2.5 or
8 higher on a 4.0 scale; and

9 (3) completes:

10 (a) for a student attending a four-year
11 public post-secondary educational institution or a tribal
12 college, fifteen or more credit hours per fall and spring
13 program semester, and no fewer than three and no more than nine
14 credit hours for summer semesters; provided that a student is
15 not required to attend summer semesters to maintain
16 eligibility; and provided further that credit-hour limits do
17 not apply to the last semester before graduation; and

18 (b) for a student attending a two-year
19 public post-secondary educational institution, twelve or more
20 credit hours per fall and spring program semester, and no fewer
21 than three and no more than nine credit hours for summer
22 semesters; provided that a student is not required to attend
23 summer semesters to maintain eligibility; and provided further
24 that credit-hour limits do not apply to the last semester
25 before graduation.

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1 D. For students with disabilities who may require
2 accommodations, the department, in consultation with the
3 student and the office at the public post-secondary educational
4 institution or the tribal college that serves students with
5 disabilities, shall review both the definition of "full time"
6 and the maximum number of consecutive program semesters of
7 eligibility and adjust either or both as deemed reasonable and
8 appropriate, based on the student's disability needs. In no
9 case, however, shall "full time" mean fewer than six credit
10 hours per semester during the fall and spring semesters or
11 three credit hours per summer semester, if attending, and in no
12 case shall eligibility extend beyond fourteen consecutive
13 program semesters. The definition of "qualified student"
14 notwithstanding, a New Mexico resident who had to leave the
15 state to receive an education pursuant to the federal
16 Individuals with Disabilities Education Act shall be eligible
17 for a tuition scholarship if the student graduated from an
18 accredited high school in another state and otherwise meets the
19 qualifications for a tuition scholarship pursuant to the
20 definition of "qualified student" and this section."

21 SECTION 3. Section 21-21R-2 NMSA 1978 (being Laws 2022,
22 Chapter 42, Section 2) is amended to read:

23 "21-21R-2. DEFINITIONS.--As used in the Opportunity
24 Scholarship Act:

25 A. "community college" means a branch community

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1 college of a four-year state educational institution, a two-
2 year state educational institution or a community college or
3 technical and vocational institute established pursuant to
4 Chapter 21, Article 13 or 16 NMSA 1978;

5 B. "department" means the higher education
6 department;

7 C. "eligible student" means a New Mexico resident
8 who is enrolled ~~[or enrolling in at least six credit hours,~~
9 ~~excluding the summer semester]~~ in a public post-secondary
10 educational institution or tribal college at any time following
11 high school graduation or the award of a high school
12 equivalency credential in New Mexico and who meets other
13 conditions for eligibility;

14 D. "public post-secondary educational institution"
15 means a four-year state educational institution or a community
16 college;

17 E. "scholarship" means ~~[an]~~ the opportunity
18 scholarship;

19 F. "state educational institution" means an
20 institution of higher education enumerated in Article 12,
21 Section 11 of the constitution of New Mexico; and

22 G. "tribal college" means a tribally, federally or
23 congressionally chartered post-secondary educational
24 institution located in New Mexico that is accredited by the
25 higher learning commission."

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1 SECTION 4. Section 21-21R-3 NMSA 1978 (being Laws 2022,
2 Chapter 42, Section 3) is amended to read:

3 "21-21R-3. CONDITIONS FOR ELIGIBILITY.--

4 A. A scholarship may be awarded to an eligible
5 student who:

6 (1) has not earned a baccalaureate degree at
7 the time the scholarship is awarded;

8 (2) is enrolled in [~~a minimum of~~] at least six
9 credit hours per semester and no more than eighteen credit
10 hours per fall or spring semester; except that the credit-hour
11 limits do not apply to a student in the last semester before
12 graduation;

13 (3) is enrolled in at least three and no more
14 than nine credit hours per summer semester; provided that a
15 student is not required to attend a summer semester to maintain
16 eligibility;

17 [~~(3)~~] (4) maintains a cumulative grade point
18 average of 2.5 on a 4.0 scale; and

19 [~~(4)~~] (5) has complied with other rules
20 promulgated by the department to carry out the provisions of
21 the Opportunity Scholarship Act.

22 B. A scholarship may be awarded for the summer
23 semester; provided that the student enrolls in [~~no less than~~]
24 at least three and no more than nine credit hours; and provided
25 further that the summer semester is not required to maintain

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1 eligibility; and provided further that credit-hour limits do
2 not apply to a student in the last semester before graduation.

3 C. A scholarship may be awarded for one credit-
4 bearing certificate or certificates, only one associate degree
5 and only one bachelor's degree per student.

6 D. A scholarship for a credit-bearing certificate
7 may only be awarded where data indicates that the certificate
8 is in high demand by New Mexico employers as determined by the
9 department in consultation with the workforce solutions
10 department.

11 E. Students with disabilities or exceptional
12 mitigating circumstances may petition for a waiver of
13 eligibility, credit-hour limits or other requirements on a per
14 semester basis. The lead financial aid officer of the public
15 post-secondary institution or tribal college shall exercise
16 professional judgment in consideration of any request for a
17 waiver."

18 SECTION 5. Section 21-21R-4 NMSA 1978 (being Laws 2022,
19 Chapter 42, Section 4) is amended to read:

20 "21-21R-4. SCHOLARSHIP AUTHORIZED--ADMINISTRATION.--

21 A. The department shall administer the Opportunity
22 Scholarship Act and shall promulgate rules to carry out the
23 provisions of that act.

24 B. Scholarships shall be awarded to qualified
25 eligible students in an amount not to exceed one hundred

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1 percent of tuition and fees after all other state financial aid
2 has been applied. Qualifications shall be determined by rule
3 of the department.

4 C. Prior to June 1 of each year, based on the
5 amount appropriated by the legislature from the opportunity
6 scholarship fund and on the projected enrollment at all public
7 post-secondary educational institutions and tribal colleges,
8 the department shall:

9 (1) determine the total amount of money
10 available for all scholarships for eligible students;

11 (2) determine the award amount for public
12 post-secondary educational institutions and tribal colleges;
13 and

14 (3) notify all public post-secondary
15 educational institutions and tribal colleges of the
16 determinations made pursuant to Paragraphs (1) and (2) of this
17 subsection.

18 D. In determining distribution and award amounts
19 for the scholarships, the department shall:

20 (1) distribute to all public post-secondary
21 educational institutions and tribal colleges an amount not to
22 exceed the remaining balance in the opportunity scholarship
23 fund; and

24 (2) subject to the provisions of Paragraph (1)
25 of this subsection, distribute to each public post-secondary

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1 educational institution and tribal college an amount based on
2 the projected enrollment at each public post-secondary
3 educational institution and tribal college.

4 E. Prior to June 1 of each year, the department
5 shall determine the maximum distribution to each public post-
6 secondary educational institution and tribal college based on
7 the annual increase in the higher education price index for the
8 mountain region."

9 SECTION 6. Section 21-21R-5 NMSA 1978 (being Laws 2022,
10 Chapter 42, Section 5) is amended to read:

11 "21-21R-5. DURATION OF SCHOLARSHIP AUTHORIZED.--

12 A. Each scholarship is for a period of one
13 semester, including the summer semester. A scholarship may be
14 renewed [~~provided that~~] if the eligible student continues to
15 meet the conditions of eligibility.

16 B. Scholarships may be provided to an eligible
17 student until the eligible student receives a credit-bearing
18 certificate or certificates.

19 C. Scholarships may be provided to an eligible
20 student for up to ninety credit hours for the completion of
21 [~~an~~] one associate degree; provided that dual credit courses
22 that an eligible student previously completed shall not count
23 toward the credit-hour cap.

24 D. Scholarships may be provided to an eligible
25 student for up to one hundred sixty credit hours for the

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1 completion of [a] one bachelor's degree; provided that dual
2 credit courses that an eligible student previously completed
3 shall not count toward the credit-hour cap.

4 ~~[E. Scholarships may be provided to an eligible~~
5 ~~student until the eligible student graduates from a four-year~~
6 ~~public post-secondary educational institution or tribal~~
7 ~~college.]"~~