

This is an amendment to 5.7.20 NMAC Sections 7 and 8 effective 8/10/2021.

5.7.20.7 DEFINITIONS:

- A. “Academic year”** means any consecutive period of two semesters (or three semesters for accelerated programs), three quarters or other comparable units commencing with the fall term each year.
- B. “Accelerated program”** means one in which a summer semester is a program requirement and not a student choice; a cohort that requires sequence of courses taken in summer semester.
- C. “Community college”** means a branch community college of a four-year state educational institution, a two-year state educational institution or a community college or technical and vocational institute established pursuant to Chapter 21, Article 13 or 16 NMSA 1978, respectively.
- D. “Comprehensive institution”** means eastern New Mexico university, New Mexico Highlands university, northern New Mexico college or western New Mexico university.
- E. “Consortium”** means a written agreement between a home institution and one or more host institutions for consideration of combined enrollment for eligibility:
 - (1) home institution is the institution where the student is enrolled in a degree or certificate seeking program and is receiving lottery scholarship funds;
 - (2) host institution is the secondary institution where the student is taking part of their program requirements.
- F. “Department”** means the New Mexico higher education department (NMHED).
- G. “Full-time”** means 15 or more credit hours completed each program semester of the regular academic year at a research institution, comprehensive institution or tribal college; or 12 or more credit hours completed for each program semester at community colleges; or through a consortium agreement between the home and host institutions. For students enrolled through a consortium agreement the minimum credit hour eligibility requirement shall be based on the student’s home institution. Qualified students in their graduating semester are only required to take the number of credit hours required to graduate.
- H. “GPA”** means grade point average.
- I. “Legislative lottery scholarship”** means a scholarship awarded from proceeds of the New Mexico lottery tuition fund, to defray all or part of the cost of tuition.
- J. “Non-enrollment”** means a student is not enrolled in a public post-secondary educational institution.
- K. “Probation”** means a period of time that a student fails to meet continuing eligibility for exceptional mitigating circumstances as determined by the lead financial aid officer at the institution; as described in Subsection D of 5.7.20.8 NMAC.
- L. “Program semesters”** means those semesters for which a qualified student may receive a tuition scholarship and excludes the first semester of full-time attendance at a public post-secondary educational institution or tribal college.
- M. “Public post-secondary educational institution”** means a four-year state educational institution or a community college.
- N. “Qualified student”** means a full-time student who completed high school at a public or accredited private New Mexico high school, graduated from a public or accredited private New Mexico high school, a student who registered with the New Mexico public education department and completed the requirements of a home-based or non-public-school primary educational program in the state, or who received a high school equivalency credential recognized by the state of New Mexico while maintaining residency in New Mexico and who either:
 - (1) within 16 months of graduation, completion of the requirements of a home-based or non-public-school primary educational program, or receipt of a high school equivalency credential recognized by the State of New Mexico, was accepted for entrance to and subsequently enrolled full-time at a public post-secondary educational institution or tribal college without having previously enrolled at a non-qualifying post-secondary institution; or
 - (2) within four months of graduation, completion of the requirements of a home-based or non-public-school primary educational program, or receipt of a high school equivalency credential recognized by the state of New Mexico, began service in the United States armed forces and within 16 months of completion of honorable service or medical discharge from the service, subsequently enrolled full-time at a public post-secondary

educational institution or tribal college without having previously enrolled at a non-qualifying post-secondary institution; and

(3) successfully completed the qualifying semester at a public post-secondary educational institution or tribal college with a grade point average of 2.5 or higher on a 4.0 scale during the first semester of full time enrollment.

O. “Research institution” means New Mexico institute of mining and technology, New Mexico state university and the university of New Mexico.

P. “State educational institution” means an institution of higher education enumerated in Article 12, Section 11 of the Constitution of New Mexico.

Q. “Summer semester” means a semester equal to fall and spring semester in duration and intensity that is required as part of an accelerated program.

R. “Tribal college” means a tribally, federally or congressionally chartered post-secondary educational institution with a physical campus in New Mexico that is accredited by the higher learning commission.

S. “Tuition scholarship” means the scholarship that provides tuition assistance per semester for qualified students.

[5.7.20.7 NMAC - Rp, 5.7.20.7 NMAC, 8/15/2014; A/E, 8/15/2014; A, 11/15/2016; A, 10/31/2017; A, 7/24/2018; A, 7/30/2019; A, 8/10/2021]

5.7.20.8 STUDENT ELIGIBILITY:

A. A scholarship may be awarded to a student in their second semester who has met first semester eligibility requirements as follows:

(1) has established and maintained New Mexico residency as defined in 5.7.18.9 NMAC or is eligible for a nondiscrimination waiver as defined in Subsection K of 5.7.18.10 NMAC. All residency requirements must be met upon completion of high school, graduation, or receipt of a high school equivalency credential recognized by the State of New Mexico;

(2) has been determined to be a qualified student pursuant to Subsection N of 5.7.20.7 NMAC;

(3) has met the requirements in Subsection G of 5.7.20.7 NMAC;

(4) has met requirements in Paragraphs (1) through (3) of Subsection A of 5.7.20.8 NMAC or students with exceptional mitigating circumstances as determined by the institution’s lead financial aid officer; students who are incapable of meeting the requirements specified in Paragraphs (1) through (3) of Subsection A of 5.7.20.8 NMAC due to a documented exceptional mitigating circumstance do not forfeit eligibility for the legislative lottery scholarship; however, the following requirements shall apply:

(a) the student shall provide documents certifying the nature of the students exceptional mitigating circumstance to the institution’s lead financial aid officer at the post-secondary educational institution at which the student is enrolling or will enroll; the institution’s lead financial aid officer shall exercise professional judgment to determine whether the exceptional mitigating circumstance is beyond the student's control and precludes the student from meeting the requirements specified in Paragraphs (1) through (3) of Subsection A of 5.7.20.8 NMAC;

(b) if, in the professional judgment of the institution’s lead financial aid officer, the student's exceptional mitigating circumstance is recognized as a valid reason for the student's inability to meet the requirements specified in Paragraphs (1) through (3) of Subsection A of 5.7.20.8 NMAC the student's initial eligibility for the legislative lottery scholarship shall be suspended or deferred unless and until such time that the student is capable of meeting the requirements of Paragraph (4) of Subsection A of 5.7.20.8 NMAC; and

(5) has not been awarded a New Mexico scholars’ scholarship or other state scholarships which are designated for one hundred percent tuition.

B. Other provisions regarding initial eligibility.

(1) Students with disabilities shall obtain a referral from the student services division of the post-secondary educational institution where the student is enrolled that oversees students with special needs’ requests to reduce the credit hours to be considered full-time for scholarship eligibility; referrals and any sufficient documentation shall be received within 30 days of the start of the student’s first semester.

(2) Students are encouraged, but are not required, to complete a free application for student aid (FAFSA) for lottery scholarship eligibility.

(3) During the 16 months after graduation, completion of the requirements of a home-based or non-public-school primary educational program, or receipt of a high school equivalency credential recognized by the State of New Mexico a student may attend a public post-secondary educational institution or tribal college prior

to their qualifying semester less than-full time without affecting future program eligibility. Once a student is enrolled and attends a public post-secondary educational institution or tribal college full-time during the 16 months after graduation, completion of the requirements of a home-based or non-public-school primary educational program, or receipt of high school equivalency credential recognized by the State of New Mexico, the student shall be considered to have commenced the qualifying semester and must meet the qualifying semester eligibility requirements within Subsection N of 5.7.20.7 NMAC.

C. Continuing eligibility. Upon satisfaction of the qualifying semester eligibility requirements, the scholarship will be awarded to the student beginning with their second semester of enrollment. A student's continuing eligibility shall be determined on a semester basis.

- (1)** A legislative lottery scholarship award may be re-awarded to a student who:
 - (a)** maintains a minimum of a 2.5 cumulative GPA; a student has the right to request use of the student's cumulative GPA earned at all New Mexico public post-secondary educational institutions and tribal colleges; and
 - (b)** maintains full time enrollment as provided in Subsection G of 5.7.20.7 NMAC; when a qualified student transfers after completion of the first semester from a two year institution to a four year institution for enrollment during the second or subsequent program semester, a student will have met eligibility requirements, but said student must enroll in 15 credit hours upon transfer to maintain eligibility;
 - (i)** receipt of a transfer transcript for sufficient documentation for eligibility;
 - (ii)** student transfers shall defer to the receiving institution to determine eligibility.
- (2)** Students with disabilities may be re-awarded the legislative scholarship under the following conditions:
 - (a)** a referral is obtained for each semester in which a reduction in credit hours is requested;
 - (b)** maintains a minimum of a 2.5 cumulative GPA; and
 - (c)** in no case shall eligibility extend beyond 14 consecutive semesters at a four year institution and seven consecutive semesters at a two year institution.
- (3)** An eligible student that transfers shall continue to be eligible at the receiving institution after receipt of the student's transfer transcript containing eligibility confirmation.

D. Probation. Students who have been determined eligible and subsequently have exceptional mitigating circumstances as determined by the institution's lead financial aid officer may be placed on a probationary status under the following conditions:

- (1)** the student shall provide documents certifying the nature of their exceptional mitigating circumstance to the lead financial aid officer at the post-secondary institution at which the student is enrolling or will enroll;
- (2)** the lead financial aid officer shall exercise professional judgment to determine whether the exceptional mitigating circumstance is beyond the student's control and precludes the student from meeting the requirements specified in Paragraph (4) of Subsection A of 5.7.20.8 NMAC; and
- (3)** a student may receive scholarship funding while on probationary status, however under no circumstances shall the student receive program awards in excess of those prescribed in Subsections A and B of 5.7.20.9 NMAC.

[5.7.20.8 NMAC -Rp, 5.7.20.8 NMAC, 8/15/2014; A/E, 8/15/2014; A, 9/30/2014; A, 11/15/2016; A, 10/31/2017; A, 7/30/2019; A, 8/10/2021]