

January 5, 2024

VIA ELECTRONIC MAIL ONLY

NM Higher Education Department
2044 Galisteo Street
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Santa Fe, NM 87505

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Dear Acting NMHED Secretary,

We are writing in support of the New Mexico Higher Education Department's proposed revision to 5.7.37 NMAC—New Mexico Opportunity Scholarship Program—and to provide context to the proposed revision to 5.7.18 NMAC— Residency for Tuition Purposes.

I. Proposed revision to 5.7.37 NMAC—New Mexico Opportunity Scholarship Program

According to the Department, the purpose of the proposed amendment is to expand scholarship eligibility for adult students who have recently completed a high school equivalency credential. Currently, adult students must meet New Mexico Legislative Lottery Scholarship Program requirements or wait two years after getting a high school equivalency credential to become eligible for the New Mexico Opportunity Scholarship Program.

Specifically, the proposed amendment adds language to the definition of "recent graduate learner" to allow students over the age of 21 who have earned a high school equivalency credential while maintaining residency in New Mexico may qualify for the New Mexico Opportunity Scholarship Program.

We applaud the state's efforts to implement this necessary rule change which will led to more residents participating in higher education institutions, including certification, Integrated Education Training, and other programs at our community colleges. Unfortunately, many New Mexican workers, including immigrant residents, must forgo traditional high school and seek a high school equivalency credential because their academic needs are not being met by their local educational institutions or because of family and financial obligations.

Undoubtedly, this proposed change will provide more educational options to New Mexicans who opt for a high school equivalency credential and want to pursue a workforce certificate program or an associate degree and would not be able to complete their program without financial support.

II. Proposed revision to 5.7.18 NMAC— Residency for Tuition Purposes

Somos un Pueblo Unido is a statewide immigrant and workers’ rights organization with more than 25 years’ experience passing local and state policies and laws that promote inclusion and equity throughout our state.

Beginning in 2004, *Somos* spearheaded a state-wide legislative campaign to extend tuition equity and access to state-sponsored financial aid to all New Mexicans, regardless of immigration status. The campaign pushed for the passage on Senate Bill 582 in the 2005 state legislative session and it was codified into law.

Specifically, NMSA § 21-1-4.6 states:

A. A public post-secondary educational institution shall not deny admission to a student on account of the student's immigration status.

B. Any tuition rate or state-funded financial aid that is granted to residents of New Mexico shall also be granted on the same terms to all persons, regardless of immigration status, who have attended a secondary educational institution in New Mexico for at least one year and who have either graduated from a New Mexico high school or received a high school equivalency credential in New Mexico.

The intent of the statute was not only to ensure undocumented immigrant students who attended a middle or high school in New Mexico for at least a year and received a diploma have access to in-state tuition, but also to *all* state-funded financial aid programs and scholarships. Many of our families cannot afford to attend college without assistance. Supporters of the law knew without the inclusion of “state-funded financial aid,” extending in-state tuition was an empty promise.

If New Mexico colleges and universities are denying post-secondary education benefits to students who qualify under this statute, it is a misapplication of the law. The proposed rule change will help ensure institutions do not make this mistake.

Since the law’s enactment, thousands of immigrant New Mexicans have obtained associate’s, bachelor’s and master’s degrees and are the state’s teachers, social workers and other professionals. Currently about 24 states and the District of Columbia have similar “tuition equity” laws or policies that permit students who have attended and graduated from secondary schools in their state to pay the same tuition as their “in-state” classmates at their state’s public institutions of higher education, regardless of their immigration status. Also, at least 15 states offer state financial aid to students who meet certain criteria, regardless of their immigration status, according to the National Immigration Law Center. Many of these states followed the lead of New Mexico.

For the above-mentioned reasons, we support the Department’s proposed revision to 5.7.37 NMAC for the New Mexico Opportunity Scholarship Program. We appreciate the opportunity to submit this comment.

Sincerely,

//s// Gabriela Ibañez Guzmán

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