



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2025 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*Check all that apply:*

Original ☒ Amendment ☐  
Correction ☐ Substitute ☐

Date Prepared: 02/13 /25

Bill No: HJR16

Agency Name and Code: PED - 924

Sponsor: Montoya/Dow/Terrazas/Duncan

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**Short Title:** FUNDING FOR HOME OR  
PRIVATE SCHOOL, CA

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

| Appropriation |      | Recurring<br>or Nonrecurring | Fund<br>Affected |
|---------------|------|------------------------------|------------------|
| FY26          | FY27 |                              |                  |
| None          | None | N/A                          | NFA              |

**REVENUE (dollars in thousands)**

| Estimated Revenue |      |      | Recurring or<br>Nonrecurring | Fund<br>Affected |
|-------------------|------|------|------------------------------|------------------|
| FY26              | FY27 | FY28 |                              |                  |
| None              | None | None | N/A                          | NFA              |

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

|              | FY26 | FY27 | FY28 | 3 Year<br>Total Cost | Recurring or<br>Nonrecurring | Fund<br>Affected |
|--------------|------|------|------|----------------------|------------------------------|------------------|
| <b>Total</b> | None | None | None | None                 | N/A                          | NFA              |

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

**Synopsis:** House Joint Resolution 16 (HJR16) would amend [Article 4 Section 31](#) and [Article 9 Section 14](#) (“Anti-donation Clause”) of the New Mexico Constitution to permit the legal establishment of a program to provide state funding to parents or legal guardians of school-age children for home schooling or private, non-sectarian schooling.

The proposed amendment would be on the ballot at the next general election or at a special election prior to that date that may be called for that purpose.

### **FISCAL IMPLICATIONS**

HJR16 does not contain an appropriation.

According to the Secretary of State (SoS), under [Section 1-16-4 NMSA 1978](#) and the New Mexico Constitution, the SoS is required to print samples of the text of each constitutional amendment, in both Spanish and English, in a quantity equal to 10 percent of the registered voters in the state. The SoS is also required to publish them once a week for four weeks preceding the election in newspapers in every county in the state. The estimated cost per constitutional amendment is \$125,000-\$150,000 depending upon the size and number of ballots and if additional ballot stations are needed.

### **SIGNIFICANT ISSUES**

The provisions of HJR16 would permit the creation of a school voucher or other program to redirect public monies to subsidize home and private schooling for school-age children in the state. School voucher programs typically fall into the following three categories:

1. **Traditional voucher programs.** States give parents a certain amount of public education funding to put toward private school tuition. Most states set requirements that schools must meet in order to accept a voucher. The number of approved schools varies.
2. **Education savings accounts.** States set aside money and put it in individual accounts for students. Parents can use the money toward the cost of private school tuition.
3. **Tax credit scholarships.** States give businesses or individuals tax credits to donate money to a scholarship organization before the funds enter the public fiscal stream. Students who meet the requirements of the program can use the scholarship money toward tuition at a private school.

HJR16 does not specify which type of school voucher program the state would use. The program to disseminate funding to currently impermissible entities would have to be established in law after any constitutional amendment proposed by HJR16 was ratified by the voters.

The New Mexico constitution currently does not allow for traditional voucher programs. In the U.S., at least 15 states are currently utilizing vouchers.

The [Arizona Empowerment Scholarship Account \(ESA\)](#) program is a state-funded program that provides scholarship dollars to Arizona families to help them pursue flexible options for their children's education, including private schools, educational providers, and other educational expenses. However, [reports](#) from *Arizona Central* have highlighted that the program's rapid

expansion outpaced its oversight capabilities. The Arizona Department of Education has struggled to monitor expenditures made through state-provided debit cards, leading to instances of misspending. Additionally, it has been shown that some parents have misused funds by transferring them into personal accounts or purchasing unapproved items. For example, in [December 2024](#) a grand jury indicted two individuals for allegedly enrolling fictitious students into the ESA program, fraudulently obtaining over \$110,000, according to the *Arizona Globe*. This case underscores potential vulnerabilities in such programs' application and verification processes.

## **PERFORMANCE IMPLICATIONS**

None.

## **ADMINISTRATIVE IMPLICATIONS**

None.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to House Bill 387, Education Opportunity Account Act; House Bill 388, Low-Income Education Opportunity Act; and Senate Bill 286, Education Freedom Account Act, all of which propose education savings account programs. The bill also relates to House Bill 324, Educational Scholarship and Tax Credits, which proposes to permit the establishment of tuition scholarship organization to receive tax credits to fund scholarships for low-income students to attend private schools.

Conflicts with House Joint Resolution 11, Change Anti-Donation Clause, CA, which propose the repeal and replacement of Article 9, Section 14 and the repeal of Article 4, Section 31 of the New Mexico Constitution.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

None.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

## **AMENDMENTS**

None.