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# Options for Parents and Families Division

## How Does the Options for Parents & Families Division Support Home Schools?

- We help families explore their education options.
- We guide families through the home school notification process.
- We provide information to families and schools about operating a home school in New Mexico.
- We verify for schools that parents have notified the state of their intent to educate their children at home.

## The Purpose of this Guide

Navigating situations where home schools and public schools intersect can be challenging. What are the relevant statutes, rules, and procedures for documenting student withdrawals from public schools, placing students who transfer into public schools, or verifying home school enrollment? Can home school students participate in public school sports or dual-credit classes? Are they eligible for the lottery scholarship? We created this guide to answer your questions and to facilitate consistent application of the law throughout the state.

# What the Law Says about Operating a Home School

**Definition:** "home school" means the operation, by the parent of a school-age person, of a home study program of instruction that provides a basic academic educational program, including reading, language arts, mathematics, social studies and science  
[Section 22-1-2(E) NMSA 1978]

## Home School Operators must:

- Be the student's parent or legal guardian  
[Section 22-1-2(E) NMSA 1978]
- Provide instruction in reading, language arts, mathematics, social studies, and science  
[Section 22-1-2(E) NMSA 1978]
- Provide instruction by a person possessing at least a high school diploma or its equivalent  
[Section 22-1-2.1 NMSA 1978]
- Maintain records of student disease immunization or a waiver of that requirement [Section 22-1-2.1 NMSA 1978]
- Notify the NMPED within 30 days of establishing the home school  
[Section 22-1-2.1 NMSA 1978]
- Renew the home school establishment every year on or before August 1st by submitting written or electronic notification to the state  
[Section 22-1-2.1 NMSA 1978]

# What the Law Says about the Responsibilities of Home School Students

- Home school students are required to attend school until at least 18 years of age unless that school-age person has graduated or earned a high school equivalency credential. **[Section 22-12A-4 NMSA 1978]**
- Home school students who want to participate in public school classes:
  - must be academically and otherwise eligible to enroll in those classes **[Section 22-8-23.9 NMSA 1978]**
  - must be immunized or meet the rules for exemption from immunization **[6.12.2.8 NMAC]**

# What the Law Says about the NMPED's Enforcement Duties Regarding Home Schools

**The New Mexico Public Education Department is charged, among its general duties, to**

“enforce requirements for home schools. Upon finding that a home school is not in compliance with law, the department may order that a student attend a public school or a private school;”

**[Section 22-2-2(H) NMSA 1978]**

# What the Law Says about Home School Students Participating in Public School Activities

(Athletics, Co-Curricular and Extra-Curricular)

## Participation:

A home school student is eligible to participate in **up to three school district activities at the public school** in the attendance zone in which the student resides, according to the [New Mexico Activities Association](#) guidelines. The school district shall verify each home school student's academic eligibility to participate in school district activities. As used in this section, "activities" means athletics, co-curricular and extracurricular activities sanctioned by the New Mexico Activities Association.

## Reimbursement:

The home school student activities program unit for a school district is determined by multiplying the number of home school students who are participating in school district activities governed by the New Mexico Activities Association by the cost differential factor of 0.1. The home school student activities program unit shall be paid to the school district in which it is generated.

[Section 22-8-23.8 NMSA 1978]

# What the Law Says about Home School Students Participating in Public School Classes

## Participation:

Notwithstanding the provision in Section 22-8-2 NMSA 1978 defining a qualified student as one who is regularly enrolled in one-half or more of the minimum course requirements approved by the department for public school students, **home school students may take one or more classes at public schools** and, if so, shall generate program units as provided in Section 22-2-8-23.9 NMSA 1978. A home school student is eligible to enroll in a public school in the attendance zone in which the student resides or in another public school outside the attendance zone as provided in Section 22-1-4 NMSA 1978. **The school district shall verify each home school student's academic and other eligibility to enroll in the class.**

## Reimbursement:

The home school student program unit for a school district is determined by multiplying the number of home school students who are enrolled in one or more classes by the cost differential factor 0.25 per class per home school student up to the enrollment required for the home school student to meet the definition of "qualified student". The home school student program units shall be paid to the school district in which they are generated.

[Section 22-8-23.9 NMSA 1978]



# Placing Home School Students Who Transfer into Public Schools

The Options for Parents and Families Division encourages home school parents/guardians to keep thorough education records in case the student someday transfers to a traditional school or the student applies for post-secondary education or training. Good records help schools more easily and accurately place home school students in the appropriate grade level.

“In adopting and promulgating rules concerning the enrollment of students transferring from a home school or private school to the public schools, the local school board shall provide that the grade level at which the transferring student is placed is appropriate to the age of the student or to the student's score on a student achievement test administered according to the statewide assessment and accountability system.”

**[Section 22-1-4(D) NMSA 1978]**

If your district does not have placement procedures, they may consider using some or all of the following tools:

- Standardized Test Scores
- Placement Tests
- Student Interviews
- Portfolio of Student Work
- Home School Records

# What the Law Says about Home School Students and Special Education

For information about special education services for home school students, please see the NMPED Office of Special Education [Laws, Rules & Guidance](#). Scroll down to the **Home School** section.

# What the Law Says about Home School Students with Disabilities

## Public Agency Responsibilities

Each New Mexico public agency, within the scope of its authority, shall develop and implement appropriate policies, procedures, programs, and services to ensure that all children with disabilities who reside within the public agency's educational jurisdiction, including children who are enrolled in private schools or facilities such as residential treatment centers, day treatment centers, hospitals, mental health institutions, **or are schooled at home**, are identified and evaluated and have access to a free appropriate public education (FAPE) in compliance with all applicable requirements of state and federal laws and rules. [6.31.2.9 NMAC]

## Identification, Evaluation, and Eligibility Determination

Each public agency shall adopt and implement policies and procedures to ensure that all children with disabilities who reside within the public agency's educational jurisdiction, including children with disabilities attending private schools or facilities such as residential treatment centers, day treatment centers, hospitals, mental health institutions, detention and correctional facilities, **children who are schooled at home**, highly mobile children, children who reside on Indian reservations, and children who are advancing from grade to grade, regardless of the severity of their disability, and who are in need of special education and related services, are located, evaluated, and identified in compliance with all applicable requirements of 34 CFR Secs. 300.111, 300.131, 300.301 through 300.306, and these or other department rules and standards. [6.31.2.10 NMAC]

Each Local Education Agency (LEA) shall locate, evaluate, and determine the eligibility of children with disabilities **who are schooled at home** pursuant to Subsection H of Section 22-2-2 NMSA 1978. [6.31.2.11 NMAC]

Please see the NMPED Office of Special Education [Laws, Rules & Guidance](#) for more information.

# What the Law Says about Home School Students and Dual Credit Courses

## Definitions:

- "dual credit course" means a post-secondary course that may be academic or career-technical but not remedial or developmental and ... for which a student simultaneously earns credit toward high school graduation and a post-secondary degree or certificate;
- "dual credit program" means a program offered by a public post-secondary educational institution or tribal college that allows high school students to enroll in dual credit courses; **[NMSA 1978 21-1-1.2]**

**Note:** New Mexico law pertaining to dual credit courses is too long to include in this guide. For more information, visit:

- [New Mexico Statutes Annotated 1978, Chapter 21, Section 1](#)
- [Dual Credit](#) – NMPED website
- [Dual Credit](#) – Higher Education Department website (The HED site includes a link to their Dual Credit manual.)

# What the Law Says about Home School Students and Colleges

## Non-Discrimination Regarding Home School Student Admission to Public, Post-Secondary Education Institutions in New Mexico

In determining the standard of requirements for admission to any public post-secondary educational institution, the board of regents, governing board or community college board **shall not require** a student to obtain or submit proof of having obtained a high school equivalency credential, if the student has completed requirements for a home-based or nonpublic school educational program, **and** has submitted test scores that otherwise qualify the student for admission to that institution.

In determining requirements for admission, the board of regents, governing board or community college board shall evaluate and treat applicants from home-based or nonpublic educational programs fairly and in a nondiscriminatory manner.

**[Section 21-1-1.1 NMSA 1978]**

# What the HED Says about Home School Students and the Lottery Scholarship

## Participation:

A home school student who meets the eligibility criteria may apply for the NM Legislative Lottery Scholarship. In addition to the usual eligibility criteria, New Mexico home school students must have completed the requirements as a home school student registered with the New Mexico Public Education Department.

## Qualifications:

To qualify for the Lottery Scholarship, a home school student

- must be a full-time student who completed the requirements of a home-based educational program in the state and who either (1) within sixteen months of completion of the requirements of a home-based education program, was accepted for entrance to and attended a public post-secondary educational institution, or (2) within four months of graduation from a public school in this state or completion of the requirements of a home-based educational program, began service in the United States armed forces and within sixteen months of completion of honorable service or medical discharge from the service, attended a public post-secondary educational institution; **and**
- must have successfully completed the first semester at a public post-secondary educational institution with a grade point average of 2.5 or higher on a 4.0 scale during the first semester of full-time enrollment.

[Section 21-21N-2(H) NMSA 1978]

# Two Ways to Notify the NMPED of Intent to Operate a Home School

- **Register online using the [Home School System](#)**
  - A 5-digit registration number is generated for each child for each school year.
  - A Parent Notification Report is available for each child for each school year.
- **Fill out and send a paper notification form by postal service**
  - Data from the notification form is entered into the online Home School System by NMPED personnel.
  - The Home School System generates a 5-digit registration number for each child. (Note: Because this data is entered by hand, the registration number is not immediately available.)

# Sample Verification Email and Parent Notification Report

From: Home Schooling System <webmaster@newmexico.gov>

Date: December 8, 2023 at 2:20:58 PM MST

To:

Subject: Home School Registration

Congratulations on successfully submitting Notification of your home school to the Public Education Department. In order to receive your home school confirmation number along with other pertinent information regarding your student(s), please log into the [Home School](#) account you recently created.

Please keep in mind that through the Public Education Department's home school platform you will be able to update and monitor your child(ren)'s home school information 24 / 7, submit your required annual notification, see prior year home school enrollments and much more.

Please review the PED's Home School page to find answers to parents most frequently asked questions prior to contacting the PED Home School Bureau.

(<https://webnew.ped.state.nm.us/bureaus/options-parents-families/home-schools/>)

Website URL: <http://homeschool.ped.state.nm.us/>

Registered Successfully!!

Student Name: Best Student

Registration ID: 65899

Please [email](mailto:info.homeschool@state.nm.us) at info.homeschool@state.nm.us for any further questions.



State of New Mexico  
Public Education Department  
Home School - Parent Notification Report

Print	
Registration ID/Enrollment ID	65899
First Name	Best
Middle Name	Ever
Last Name	Student
Student DOB	02/02/2002
State Student ID/STARS ID	
Address	300 Don Gaspar Avenue, Santa Fe, NM 87501
School Year	2023-2024
Enrollment Date	12/08/2023
Grade	Twelfth Grade
Disenrollment Date	
Initials	KR

NEW MEXICO  
Public Education Department  
Home School Division  
Options for Parents  
NM Public Education Department 300 Don Gaspar Ave.,  
Room 301-B Santa Fe, New Mexico 87501-2786 Phone# (505) 827-6909



# The 5-Digit Registration Number

## What the Number is For

Students enrolled in the NMPED's online Home School System are assigned a unique 5-digit number for each year they are registered.

This number is proof of notification that parents can keep in their files.

The number is a datapoint that helps the NMPED staff to quickly locate a child's records in the Home School System.

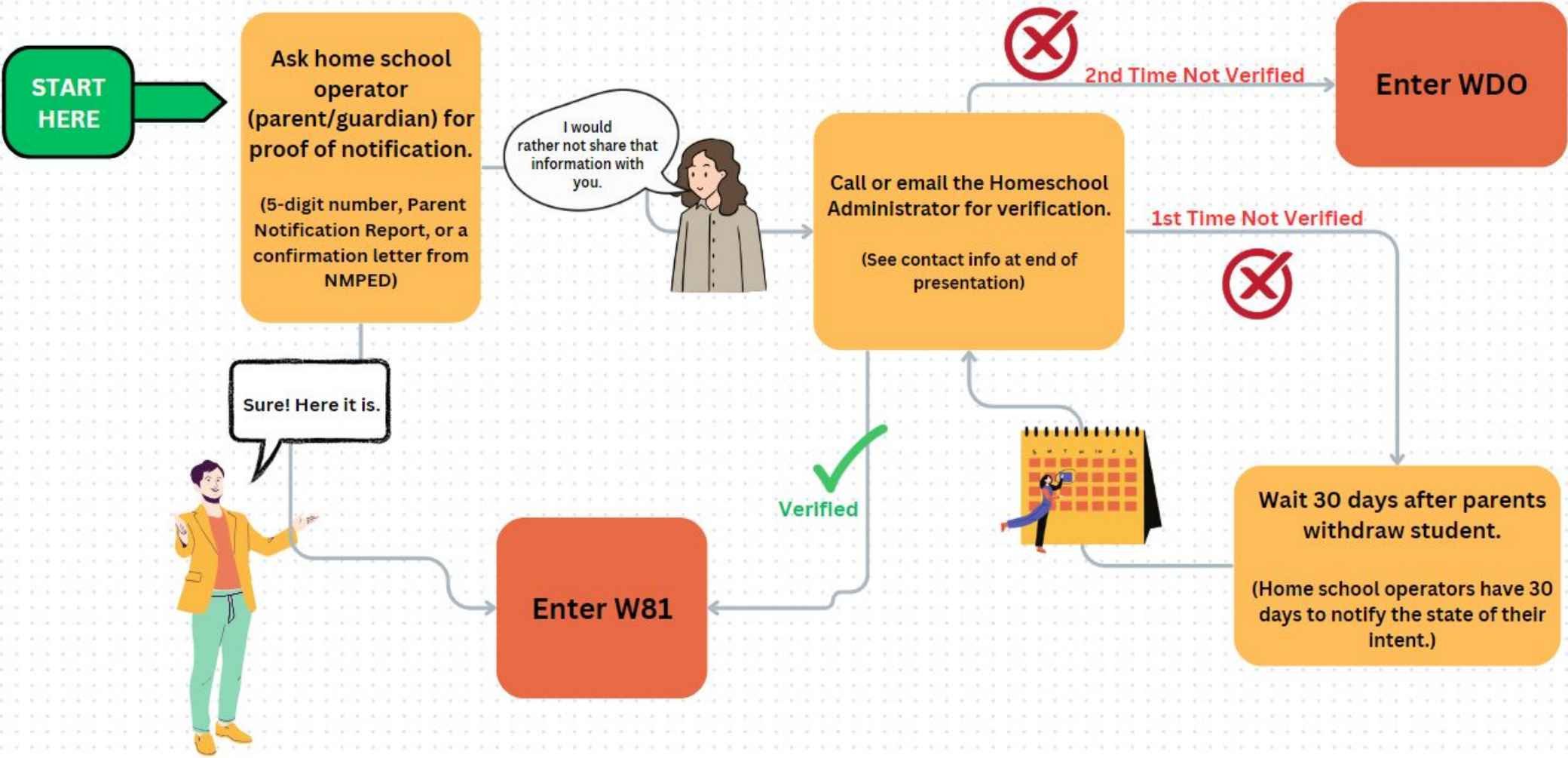
## What the Number is Not For

Because the 5-digit number is associated with a student's personal identifying information, parents may, **but are not required to**, share the number with schools.

Schools and other organizations **should not** require the number for proof of home schooling or require it on a form.

Neither schools, districts, nor the NMPED should share this 5-digit number with other people, organizations, or agencies.

# Verifying a Home School to Determine Correct Nova Withdrawal Code



# PED Contact for Home School Administration



We appreciate all you do for the children of  
New Mexico.

Please contact the Options for Parents and Families Division  
for assistance.

**Kelli Renken, Homeschool Administrator**  
505-469-2817

**[Info.HomeSchool@ped.nm.gov](mailto:Info.HomeSchool@ped.nm.gov)**