

## NEW MEXICO

**Compulsory Attendance Ages:** “at least five years of age prior to 12:01 a.m. on September 1 of the school year” to age eighteen unless the person has graduated from high school. New Mexico Statutes Annotated §§ 22-8-2(M), 22-12-2.

**Required Days of Instruction:** “Length of time of the school year that is established in the school district in which the person is a resident.” N.M. Stat. Ann. § 22-12-2(B), which is a minimum of 181 days.

**Required Subjects:** Including but not limited to reading, language arts, mathematics, social studies, and science. N.M. Stat. Ann. § 22-1-2(E).

**Home School Statute:** N.M. Stat. Ann. § 22-1-2(E).

“‘[H]ome 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...” N.M. Stat. Ann. § 22-1-2(E). Parents are required to do the following according to N.M. Stat. Ann. § 22-1-2.1:

1. Notify the state superintendent of their intent within thirty days of the establishment of the home school and by April 1 of each subsequent year. The April 1 notice must identify the school district. New Mexico home schoolers are under no legal obligation to notify their local school district that they are home schooling. Families who are receiving public assistance may need to notify their district in order to continue to receive public aid.
2. Maintain disease immunization records (a waiver may be obtained due to religious objections).
3. The definition of “private school” specifically excludes home schools and home school satellite programs. N.M. Stat. Ann. § 22-1-2(K).

**Teacher Qualifications:** Parent must possess at least a high school diploma or its equivalent. N.M. Stat. Ann. § 22-1-2.1(C)

**Standardized Tests:** None. On March 15, 2001, New Mexico enacted S.B. 374 which specifically repealed testing requirements for home schoolers.

**Religious Freedom Act:** N.M. Stat. Ann. § 28-22-1 through -5.

The Religious Freedom Act (RFA), passed with the help of HSLDA members, gives religious home schoolers another legal means to protect their right to home school. If the operation of a home school comes into conflict with a state requirement, the parents may use the RFA as a defense or file an offensive suit against the state. Under this statute, the burden is on the state to prove, with evidence, that its requirement is “essential” to fulfill its compelling interest that children be educated and it is the “least

restrictive means” of fulfilling that interest. This Act restores the highest protection of the individual’s right to freely exercise their religious beliefs that was taken away by the U.S. Supreme Court in its 1997 City of Boerne decision.

**College Admissions for Homeschoolers:** In determining the standard of requirements for admission to their respective institutions, boards of regents [for institutions of higher education] shall not require a student who has completed the requirements of a home-based or non-public school educational program and who has submitted test scores that otherwise qualify him for admission to that institution, to obtain or submit proof of having obtained a general education development certificate. In determining requirements for admission, boards of regents shall evaluate and treat applicants from home-based education programs or non-public school fairly and in a nondiscriminatory manner. *New Mexico Statutes Annotated* § 21-1-1(B).

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