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December 8, 2003

Opinion No. 03-159

Lottery Scholarship Qualifying Criteria

QUESTION

Does the lottery legislation unconstitutionally discriminate against home schooled students by requiring such students to attend one year of college and maintain a 3.0 GPA in order to qualify for a lottery scholarship?

OPINION

No. The requirement of attending one year of college and maintaining a 3.0 GPA in order to qualify for a lottery scholarship is applied to all students who graduated from a Tennessee high school, completed high school in a Tennessee home school program or obtained a GED after January 1, 2003 but prior to January 1, 2004.

ANALYSIS

As provided in Tenn. Code Ann. § 49-4-909, there are circumstances under which students seeking a HOPE scholarship must meet the additional eligibility criteria of attending college for one year and maintaining a 3.0 GPA. These additional eligibility criteria, however, apply equally to all students who graduated from a Tennessee high school, completed high school in a Tennessee home school program or obtained a GED after January 1, 2003 but prior to January 1, 2004. Home schooled students who complete high school in a Tennessee home school program after January 1, 2004 do not have to attend college for one year and maintain a 3.0 GPA in order to initially qualify for a HOPE scholarship. *See* Tenn. Code Ann. § 49-4-908. Therefore, the lottery legislation does

not unconstitutionally discriminate against home schooled students by requiring attendance at college for one year and a 3.0 GPA.

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