

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 26a

48th Legislature, 2nd Session, 2008

Short Title: American Indian Post-Secondary Ed Act

Sponsor(s): Representatives Ray Begaye and Patricia A. Lundstrom

Analyst: Pamela Herman

Date: January 26, 2008

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AS AMENDED

The House Education Committee amendment:

- **adds to the duties of the American Indian Post-secondary Education Division the obligation to:**
 - **provide assistance to New Mexico tribal colleges to:**
 - **plan and conduct semi-annual government-to-government meetings;**
 - **appoint a liaison to the Indian Education Advisory Council created in the *Indian Education Act*;**
 - **develop or identify an appropriate postsecondary investment system; and**
 - **provide recommendations on capital outlay and other funding mechanisms; and**
 - **assess services to increase enrollment, retention and graduation rates of American Indians in postsecondary education institutions;**
- **requires public postsecondary educational institutions to report annually, rather than biannually, to the division; and**
- **requires the division to encourage postsecondary institutions and other entities serving American Indian college students to provide reports to the division that include progress as well as status.**

Original Bill Summary:

HB 26 creates a new short-titled act, the *American Indian Post-Secondary Education Act*, which provides the following:

- sets forth the purpose of the act;
- defines key terms, including a definition of “post-secondary institutions” to include public and tribal postsecondary institutions;
- creates the American Indian Post-secondary Education Division within the Higher Education Department (HED), with a director of American Indian Post-secondary Education appointed by the Secretary of Higher Education to direct its activities;

- establishes the duties of the division, which are to:
 - assist postsecondary institutions to meet the higher education needs of American Indian students;
 - assist the institutions to plan, develop, implement, and evaluate recruitment and retention strategies designed for American Indian college students;
 - seek funds to establish, develop, and implement services, including recruitment, retention, academic support and transition, and academic financial support, to increase American Indian enrollment, retention, and graduation rates in postsecondary institutions;
 - develop a system for consistent collection and sharing of enrollment, retention, and graduation data for American Indian student at postsecondary institutions;
 - collaborate with the Public Education Department (PED) on the pre-kindergarten through post-graduate (P-20) initiative, higher education grants, and teacher education initiatives to promote a seamless educational system for American Indian students;
 - at least twice annually, hold public meetings to discuss American Indian higher education issues including how to foster attendance and graduation of American Indian students from postsecondary institutions, to include representatives of New Mexico higher education entities and institutions, tribes, postsecondary institutions, American Indian students, the Governor's office, the Indian Affairs Department, PED, the Legislature, and others; and
 - coordinate with PED to encourage appointment of the Indian Education Advisory Council who also represent institutions of higher education;
- requires each public postsecondary institution to submit an American Indian Post-secondary Education Status Report once every two years, and requires the division to encourage other institutions serving American Indian students also to submit reports. Reports shall include the following data, which the division shall compile into a single status report, through which American Indian postsecondary educational performance is measure and aligned with HED's strategic priorities:
 - student recruitment;
 - student retention;
 - student attrition;
 - student remediation programs;
 - graduation rates;
 - annual goals and objectives of American Indian education programs;
 - financial aid reports; and
 - other issues identified by the division or recommended at the biannual meetings;
- authorizes HED, in consultation with tribes, to adopt and promulgate rules to implement the provisions of the act, and to enter into joint powers agreements with tribal colleges and tribes, and memoranda of understanding with New Mexico higher education entities and institutions, for data collection and sharing, and other matters necessary to carry out the provisions of the act; and
- creates a non-reverting American Indian Post-secondary Education Fund in the state Treasury, to be administered by HED; money in the fund is appropriated to HED to award grants to support the act, as follows:

- grants may be awarded for special projects related to recruitment, retention, and graduation of American Indian students, including student conferences, cultural awareness training for faculty and staff at postsecondary institutions, academic support and transition programs, and other projects approved by the division;
- HED shall promulgate rules regarding the application and award process; and
- the department shall require that all projects supported by grants from the fund be evaluated annually, with no more than 3.0 percent of grant funds allowed for evaluation; shall monitor implementation of projects; and shall discontinue funding a project after three years if it is not achieving the measurable objectives stated in its grant application.

Amended Fiscal Impact:

- **\$800,000 is appropriated from the General Fund to the American Indian Post-secondary Education Fund for expenditure in FY 09 and subsequent fiscal years to make grants for assessment, data collection, and student success to implement the act. The appropriation contains a non-reversion clause.**
- **\$200,000 is appropriated from the General Fund to HED for expenditure in FY 09 for operational expenses associated with the American Indian Post-secondary Education Division; the conduct of the first semi-annual meeting; and the development of a data collection and data sharing system for postsecondary educational institutions as provided in the act. The appropriation contains a reversion clause.**

Original Fiscal Impact:

- \$900,000 is appropriated from the General Fund to the American Indian Post-secondary Education Fund for expenditure in FY 09 and subsequent fiscal years to make grants for projects funded as provided in the act. The appropriation contains a non-reversion clause.
- \$100,000 is appropriated from the General Fund to HED for expenditure in FY 09 for operational expenses associated with the American Indian Post-secondary Education Division; the conduct of the first semi-annual meeting; and the development of a data collection and data sharing system for postsecondary educational institutions as provided in the act. The appropriation contains a reversion clause.

Issues:

- HED states that American Indians in general are underrepresented and underserved in higher education in New Mexico, citing the following data:
 - approximately 7.6 percent of students enrolled in state postsecondary institutions are American Indian, although they represent 10 percent of the population as a whole;
 - including tribal college students, only approximately 9.3 percent of public postsecondary students in New Mexico are American Indians;
 - approximately 9.7 percent of associate degrees and certificates are awarded to American Indian students; however, in terms of four-year credentials and beyond, American Indians receive the following:
 - 4.3 percent of Bachelor's degrees;
 - 3.6 percent of Master's degrees; and
 - 4.2 percent of Doctoral and professional degrees.

- HED states the following in its analysis of HB 26:
 - the transfer rate from two- to four-year postsecondary institutions, which is partly a function of location, is one issue that must be addressed to improve American Indian bachelor's degree attainment;
 - retention of American Indian students who do enroll in four-year colleges is a concern, with a higher than average dropout rate for these students;
 - a lack of cultural sensitivity in teaching methods exists in many areas of in higher education, which HB 26 would provide mechanisms to help address;
 - the bill is consistent with department strategic priorities and goals, although it is not listed on department priorities; and
 - HB 26 is endorsed by the New Mexico Tribal Higher Education Consortium, the Indian Education Advisory Board, and the American Indian Program at New Mexico State University.

- PED notes that authorities point to the need to address such issues as academic preparation, transition, tribal and family expectations, financial support and management, and social roles in order to improve American Indian postsecondary success. Because tribes and pueblos need educated professional members to assist their communities in assuring the vitality of their future, PED indicates that a coordinated effort with HED may support these efforts.

Related Bills:

HB 3a *Education Appropriation Act*

HB 27 *Expand Funding for Indian Education Act*