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SENATE BILL 731

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Leonard Tsosie

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE INDIAN POST-  
SECONDARY EDUCATION ACT; CREATING A DIVISION IN THE HIGHER  
EDUCATION DEPARTMENT; PROVIDING DUTIES; ALLOWING FOR JOINT  
POWERS AGREEMENTS AND MEMORANDA OF UNDERSTANDING; CREATING A  
FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the  
"Indian Post-Secondary Education Act".

Section 2. PURPOSE OF ACT.--The purpose of the Indian  
Post-Secondary Education Act is to:

A. assist in the development of culturally relevant  
learning environments and post-secondary educational  
opportunities for American Indian students;

B. ensure maintenance of native languages and

1 cultures;

2 C. provide for the study, development and  
3 implementation of post-secondary educational systems that  
4 positively affect the educational success of American Indian  
5 students;

6 D. provide the means for a formal relationship  
7 between the department and tribal colleges and develop  
8 relationships with the education division of the bureau of  
9 Indian affairs and other entities that serve American Indian  
10 students; and

11 E. provide a mechanism for tribal colleges and  
12 other tribal educational agencies; the department; post-  
13 secondary institutions; students and parents; community-based  
14 organizations; the public education department; and tribal,  
15 state and local policymakers to work together to improve post-  
16 secondary educational opportunities for American Indian  
17 students.

18 Section 3. DEFINITIONS.--As used in the Indian Post-  
19 Secondary Education Act:

20 A. "department" means the higher education  
21 department;

22 B. "division" means the Indian post-secondary  
23 education division of the department;

24 C. "post-secondary institutions" means public,  
25 tribal and private post-secondary educational institutions;

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1 D. "secretary" means the secretary of higher  
2 education;

3 E. "tribal college" means a tribally, federally or  
4 congressionally chartered post-secondary institution located in  
5 New Mexico that is accredited by the north central association  
6 of colleges and schools; and

7 F. "tribe" means an Indian nation, tribe or pueblo  
8 located within New Mexico.

9 Section 4. DEPARTMENT--RULES--JOINT POWERS AGREEMENTS AND  
10 MEMORANDA OF UNDERSTANDING.--

11 A. The department, in consultation with tribes, may  
12 adopt and promulgate rules to implement the provisions of the  
13 Indian Post-Secondary Education Act.

14 B. The secretary may enter into joint powers  
15 agreements with tribal colleges and tribes, and into memoranda  
16 of understanding with the New Mexico tribal higher education  
17 consortium and private educational institutions, for data  
18 collection and data sharing and for other matters necessary to  
19 carry out the provisions of the Indian Post-Secondary Education  
20 Act.

21 Section 5. INDIAN POST-SECONDARY EDUCATION DIVISION--  
22 CREATED--DUTIES.--

23 A. The "Indian post-secondary education division"  
24 is created within the department. The secretary shall appoint  
25 a director of Indian post-secondary education, who shall direct

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1 the activities of the division.

2 B. The Indian post-secondary education division  
3 shall:

4 (1) provide assistance to post-secondary  
5 institutions to meet the higher education needs of American  
6 Indian students;

7 (2) provide assistance to post-secondary  
8 institutions in the planning, development, implementation and  
9 evaluation of recruitment and retention strategies designed for  
10 American Indian college students;

11 (3) seek funds to establish, develop and  
12 implement the following support services to increase the  
13 enrollment, retention and graduation rates of American Indians  
14 in post-secondary institutions:

15 (a) recruitment;

16 (b) retention;

17 (c) academic support and transition  
18 programs; and

19 (d) academic financial support;

20 (4) develop a system for consistent data  
21 collection and sharing on the enrollment, retention and  
22 graduation rates of American Indian students at post-secondary  
23 institutions;

24 (5) collaborate with the public education  
25 department on the pre-kindergarten through grade twenty

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1 initiative to promote a seamless educational system for  
2 American Indian students; and

3 (6) at least semiannually, hold a public  
4 meeting for representatives of the New Mexico tribal higher  
5 education consortium, tribes, post-secondary institutions,  
6 American Indian students, the governor's office, the New Mexico  
7 office of Indian affairs, the public education department, the  
8 legislature and other interested persons to discuss American  
9 Indian higher education issues, including how to ensure  
10 attendance and graduation of American Indian students from  
11 post-secondary institutions.

12 Section 6. REPORT.--

13 A. Each public post-secondary institution shall  
14 submit a biannual American Indian post-secondary education  
15 status report to the division as provided in this section. The  
16 division shall work with and encourage tribal colleges and  
17 private educational institutions and other entities that serve  
18 American Indian college students to submit a status report.  
19 The division shall compile the information received into the  
20 state American Indian post-secondary education status report.

21 B. The status report provided by each post-  
22 secondary institution shall be written in a brief format and  
23 shall include the following information through which American  
24 Indian post-secondary educational performance is measured:

25 (1) student recruitment;

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- 1 (2) student retention;
- 2 (3) student attrition;
- 3 (4) student remediation programs;
- 4 (5) graduation rate;
- 5 (6) annual goals and objectives of American
- 6 Indian education programs;
- 7 (7) financial aid reports; and
- 8 (8) other issues identified by the division or
- 9 recommended by the biannual public meetings.

10 Section 7. FUND CREATED--GRANTS--APPLICATION AND AWARD  
11 PROCESS.--

12 A. The "Indian post-secondary education fund" is  
13 created in the state treasury. The fund consists of  
14 appropriations, gifts, grants, donations and income from  
15 investment of the fund. Balances in the fund at the end of a  
16 fiscal year shall not revert or be transferred to any other  
17 fund. The fund shall be administered by the higher education  
18 department, and money in the fund is appropriated to the  
19 department to award grants in support of the Indian Post-  
20 Secondary Education Act. Disbursements from the fund shall be  
21 by warrant of the secretary of finance and administration on  
22 vouchers signed by the secretary or the secretary's authorized  
23 representative.

24 B. Grants may be awarded for special projects  
25 related to recruitment, retention and graduation of American

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1 Indian students, including student conferences, cultural  
2 awareness training for faculty and staff at post-secondary  
3 institutions, academic support and transition programs and  
4 other projects approved by the division.

5 C. Applications for grants from the fund shall be  
6 in the form prescribed by the division. The division, with the  
7 secretary's approval, shall promulgate rules on the application  
8 and award process, including who may apply for grants from the  
9 fund; information required in the application process; how  
10 applications will be evaluated and awarded; accounting and  
11 financial reporting requirements for grantees; reporting  
12 requirements on the use of a grant and the outcomes of the  
13 project funded; and any other information deemed necessary by  
14 the division.

15 Section 8. APPROPRIATION.--

16 A. Nine hundred thousand dollars (\$900,000) is  
17 appropriated from the general fund to the Indian post-secondary  
18 education fund for expenditure in fiscal year 2007 and  
19 subsequent fiscal years to make grants for projects funded in  
20 accordance with the Indian Post-Secondary Education Act. Any  
21 unexpended or unencumbered balance remaining at the end of a  
22 fiscal year shall not revert to the general fund.

23 B. One hundred thousand dollars (\$100,000) is  
24 appropriated from the general fund to the higher education  
25 department for expenditure in fiscal year 2007 for operational

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1 expenses associated with the Indian post-secondary education  
2 division, the conduct of the first biannual meeting and the  
3 development of a data collection and data sharing system for  
4 post-secondary institutions as provided in the Indian Post-  
5 Secondary Education Act. Any unexpended or unencumbered  
6 balance remaining at the end of fiscal year 2007 shall revert  
7 to the general fund.

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