

AN ACT

RELATING TO HIGHER EDUCATION; CREATING THE STUDENTS WITH
DISABILITIES SCHOLARSHIP ACT; PROVIDING POWERS AND DUTIES;
CREATING A FUND.

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

Section 1. SHORT TITLE.--This act may be cited as the
"Students with Disabilities Scholarship Act".

Section 2. PURPOSE OF ACT.--The purpose of the Students
with Disabilities Scholarship Act is to increase undergraduate
enrollment of students with disabilities by establishing a
scholarship program for those students in New Mexico's public
post-secondary educational institutions.

Section 3. DEFINITIONS.--As used in the Students with
Disabilities Scholarship Act:

A. "award recipient" means a student with
disabilities who receives an undergraduate scholarship;

B. "department" means the higher education
department;

C. "secretary" means secretary of higher
education; and

D. "student with disabilities" means a student who
has a record of a physical or mental condition that
substantially limits one or more major life activities,
including attention deficit disorder or other specific

learning disabilities that the department recognizes as disabilities.

Section 4. CONDITIONS FOR ELIGIBILITY AND QUALIFICATION--AWARDS.--

A. The department shall administer the Students with Disabilities Act and shall promulgate rules to carry out the provisions of that act.

B. A student with disabilities may be awarded a scholarship pursuant to the Students with Disabilities Act if the student:

(1) is a resident of New Mexico for the purpose of tuition payment;

(2) has not earned a baccalaureate degree and is enrolled or will be enrolled at least half time in a degree program in a public post-secondary educational institution in New Mexico at the time the scholarship is awarded; and

(3) has complied with other rules promulgated by the department to carry out the provisions of that act.

C. The department shall allocate money to public post-secondary educational institutions for scholarships for qualified students with disabilities based on the percentage of the institution's students classified as students with disabilities.

D. Public post-secondary educational institutions shall make awards to qualifying students in an amount not to exceed one thousand dollars (\$1,000) per semester as determined by rule of the department; provided that an award shall not exceed the actual cost of educational expenses.

E. Money for an awarded scholarship shall be placed in an account at the public post-secondary educational institution in the name of the student, and the money may be drawn upon to pay educational expenses charged by the institution, including tuition, fees, books and course supplies.

Section 5. DURATION OF SCHOLARSHIP.--Each scholarship is for a period of one semester. A scholarship may be renewed, provided the award recipient continues to meet the conditions of eligibility, until the award recipient has graduated from an eligible four-year public post-secondary educational institution.

Section 6. TERMINATION OF SCHOLARSHIP.--A scholarship is terminated upon occurrence of one or more of the following:

A. withdrawal of the award recipient from the public post-secondary educational institution or failure to remain as at least a half-time student;

B. failure of the award recipient to achieve satisfactory academic progress; or

C. substantial noncompliance by the award

recipient with the Students with Disabilities Scholarship Act or the rules promulgated pursuant to that act.

Section 7. FUND CREATED.--The "students with disabilities scholarship fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, gifts, grants, donations and income from investment of the fund. The department shall administer the fund and, subject to appropriation by the legislature, shall provide scholarships to students with disabilities as provided in the Students with Disabilities Scholarship Act. Expenditures from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary or the secretary's authorized representative.

Section 8. REPORT.--

A. Each public post-secondary educational institution shall submit an annual students with disabilities scholarship report to the department that includes information required by the department. The department shall submit an annual report to the legislative finance committee and to the legislative education study committee.

B. The department and public post-secondary educational institutions shall cooperate in data collection and data sharing and for other matters necessary to carry out the provisions of the Students with Disabilities Scholarship

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