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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

1 learning disabilities that the department recognizes as
2 disabilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 C. substantial noncompliance by the award
2 recipient with the Students with Disabilities Scholarship Act
3 or the rules promulgated pursuant to that act.

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

16 Section 8. REPORT.--

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

23 B. The department and public post-secondary
24 educational institutions shall cooperate in data collection
25 and data sharing and for other matters necessary to carry out

1 the provisions of the Students with Disabilities Scholarship

2 Act. _____

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