

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE AMERICAN INDIAN POST-SECONDARY EDUCATION ACT; CREATING A DIVISION IN THE HIGHER EDUCATION DEPARTMENT; PROVIDING POWERS AND DUTIES; CREATING A FUND; AUTHORIZING MEMORANDA OF UNDERSTANDING BETWEEN THE DEPARTMENT AND TRIBAL COLLEGES AND FEDERAL BUREAU OF INDIAN EDUCATION SCHOOLS.

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

Section 1. Section 9-25-4 NMSA 1978 (being Laws 2005, Chapter 289, Section 4, as amended) is amended to read:

"9-25-4. DEPARTMENT CREATED.--

A. The "higher education department" is created in the executive branch. The department is a cabinet department and includes the following divisions:

- (1) the administrative services division;
- (2) the planning and research division;
- (3) the financial aid division;
- (4) the public information and

communications division;

- (5) the adult basic education division;
  - (6) the information technology division;
  - (7) the private and proprietary schools
- division;

- (8) the public schools liaison division; and

(9) the American Indian post-secondary education division.

B. The secretary may organize the department and divisions of the department and may transfer or merge functions between divisions and bureaus in the interest of efficiency and economy."

Section 2. SHORT TITLE.--Sections 2 through 7 of this act may be cited as the "American Indian Post-Secondary Education Act".

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

A. "bureau of Indian education school" means a school located in New Mexico that is under the control of the bureau of Indian education of the United States department of the interior;

B. "department" means the higher education department;

C. "division" means the American Indian post-secondary education division of the department;

D. "fund" means the American Indian post-secondary education fund;

E. "public post-secondary educational institution" means an institution of higher education delineated in Article 12, Section 11 of the constitution of New Mexico or a community college, branch community college or technical and

vocational institute organized pursuant to Chapter 21, Article 13, 14 or 16 NMSA 1978;

F. "secretary" means the secretary of higher education;

G. "tribal college" means a tribally, federally or congressionally chartered post-secondary educational institution located within New Mexico that is accredited by the north central association of colleges and schools; and

H. "tribe" means an Indian nation, tribe or pueblo located within New Mexico.

Section 4. DEPARTMENT RULES--MEMORANDA OF UNDERSTANDING.--

A. The department shall consult with tribes, bureau of Indian education schools and tribal colleges when adopting rules to carry out the provisions of the American Indian Post-Secondary Education Act.

B. The secretary may enter into memoranda of understanding with tribal colleges, bureau of Indian education schools and tribes for data collection and data sharing and for other matters related to implementation of the American Indian Post-Secondary Education Act.

Section 5. AMERICAN INDIAN POST-SECONDARY EDUCATION DIVISION DUTIES.--

A. The division shall:

(1) develop and implement policies that

positively affect the post-secondary educational success of American Indian students;

(2) provide assistance to public post-secondary educational institutions and tribal colleges in the planning, development, implementation and evaluation of recruitment and retention strategies designed for American Indian college students;

(3) seek funding to assist public educational institutions and tribal colleges as needed to develop support services to increase the enrollment, retention and graduation rates of American Indians at public post-secondary educational institutions and tribal colleges, including:

(a) academic support and transition programs; and

(b) institutional efforts to increase academic financial support;

(4) develop a system for consistent data collection and sharing on the enrollment, retention and graduation rates of American Indian students at public post-secondary educational institutions and tribal colleges; and

(5) conduct outreach to tribes concerning financial aid opportunities for American Indian students.

B. The director of the division shall serve as a liaison with the Indian education advisory council.

Section 6. REPORTS.--

A. Each public post-secondary educational institution shall submit an annual American Indian post-secondary education status report to the division. The department may enter into agreements with tribal colleges to provide the same annual status reports. The status reports shall be submitted in a form prescribed by the division and shall include the following information through which American Indian post-secondary educational performance is measured and aligned with the higher education strategic priorities:

- (1) student recruitment;
- (2) student retention;
- (3) student attrition;
- (4) remediation needs, by course type;
- (5) graduation rate and types and fields of degrees;
- (6) student financial aid data, including student demographic data; and
- (7) annual goals and objectives of American Indian education programs, including graduate-level participation by American Indians.

B. The division shall compile the data collected pursuant to Subsection A of this section and publish an annual state American Indian post-secondary education status report.

Section 7. AMERICAN INDIAN POST-SECONDARY EDUCATION

FUND CREATED--GRANTS--APPLICATIONS.--

A. The "American Indian post-secondary education 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 fund shall be administered by the department, and money in the fund is appropriated to the department to carry out the purposes of the American Indian Post-Secondary Education Act. Disbursements from the fund shall be by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of higher education or the secretary's authorized representative.

B. 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 public post-secondary educational institutions and tribal colleges, academic support and transition programs and other projects approved by the division.

C. Applications for grants shall be in the form prescribed by the division. The division, with the secretary's approval, shall promulgate rules on the grant application and award process, including:

- (1) who may apply for grants;
- (2) information required in the application

process;

(3) how applications will be evaluated and awarded;

(4) accounting and financial reporting requirements for grantees;

(5) reporting requirements on the use of a grant and the outcomes of the special project funded by the grant; and

(6) any other information deemed necessary by the division.