

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 102

49th Legislature, 2nd Session, 2010

Tracking Number: .179332.1GR

Short Title: Lottery Scholarships for Tribal Colleges

Sponsor(s): Representatives Eliseo Lee Alcon and Ray Begave and Sandra Jeff and Others

Analyst: Ally Hudson

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Bill Summary:

Among its provisions, HB 102 amends the *New Mexico Lottery Act* to:

- include resident undergraduates at tribal colleges in the lottery tuition scholarship program; and
- include tribal colleges in the distribution of tuition assistance.

HB 102 also creates a new section of law controlling the award of the scholarships, by:

- defining “tribal college” to mean a tribally, federally or congressionally chartered postsecondary educational institution located in New Mexico that is accredited by the North Central Association of Colleges and Schools;
- allowing tribal colleges to award tuition scholarships for qualified resident students to the extent that funds are made available by the Legislature from the Lottery Tuition Fund;
- authorizing award of a scholarship for up to four consecutive years, beginning the second semester of the recipient’s first year of enrollment, only to full-time resident students who:
 - on completion of a high school curriculum at a public or accredited private high school or receiving a general educational development (GED) certificate:
 - immediately are accepted at and attend a tribal college;
 - maintain residency in New Mexico; and
 - maintain a 2.5 or higher grade point average on a 4.0 scale during the first semester of enrollment; and
- authorizing awards also to full-time resident students who:
 - within 120 days of completing a high school curriculum at a public or accredited private high school or receiving a GED, begin service in the US armed forces; and
 - within 120 days of honorable service or medical discharge are accepted at and attend a tribal college; and

- requiring HED to:
 - prepare guidelines outlining student continuing eligibility criteria, as well as guidelines for administration of the tuition scholarship program at tribal colleges;
 - distribute these guidelines to governing boards of each tribal college to enable uniform scholarship availability; and
 - enter into agreements with tribal colleges that allow for financial and programmatic audits of the scholarship program.

HB 102 is the subject of House Executive Message 8.

Fiscal Impact:

HB 102 makes no appropriation.

According to HED’s analysis, there would be a recurring fiscal impact to the Lottery Tuition Fund of approximately \$176,500, based on an estimated 265 eligible students annually.

Citing figures from school year 2006-2007, HED’s analysis states that approximately 2,162 students were enrolled in tribal colleges in New Mexico, representing approximately 17 percent of all Native American students enrolled in state public and tribal postsecondary institutions. Of these, HED estimates that less than 12 percent of the total would be eligible for the tribal college lottery scholarship program.

Substantive Issues:

According to HED, there are four colleges that meet the definition of a tribal college under HB 102:

- *Southwest Indian Polytechnic Institute (SIPI)* in Albuquerque, a federally owned and operated tuition-free two-year community college that provides certificate and associate degree programs to approximately 800 students annually, all of whom are Native American;
- *Navajo Technical College (formerly Crownpoint Institute of Technology)*, a federal land grant two-year college chartered by the Navajo Nation that provides technical vocational training and certificate programs to approximately 600 students annually;
- *The Institute of American Indian Arts (IAIA)* in Santa Fe, a congressionally chartered land grant four-year fine arts college with an annual enrollment of approximately 230 students; and
- *Diné College*, with campuses in Crownpoint and Shiprock, a federal land grant two-year college chartered by the Navajo Nation whose main campus is in Tsaile, Arizona, with certificate and associate degree programs in New Mexico that serve approximately 540 students annually.

The Public Education Department notes the following points in its agency bill analysis:

- New Mexico’s American Indian students, who make up 11 percent of the student population, have the largest achievement gap of any subgroup as measured by the New Mexico Standards Based Assessment;

- American Indian students graduate at a lower rate than any subgroup as measured by the PED four-year cohort graduation rate (50 percent for American Indian vs. 60 percent for all students);
- research demonstrates American Indian students are more successful in college when their first postsecondary experience is in a tribal college largely because of the support of family, extended family, and a college student population that reflects their culture and identity; and
- American Indian students continue to have the lowest representation in higher education and make up less than 1.0 percent of college enrollment. In New Mexico, 90 percent of American Indian students attend public school and eventually enroll in New Mexico public postsecondary institutions. In the November 2005 Performance Effectiveness Report by the Council of University Presidents, figures show that the enrollment of American Indians who were first-time freshmen in New Mexico colleges and universities decreased from 5.9 percent in fall 2004 to 4.7 percent in fall 2005.

Concerning a provision of the Constitution of the State of New Mexico known as the “anti-donation clause,” in an October 1996 letter, the New Mexico Attorney General expressed the opinion that tribally controlled high schools were not private schools within the meaning of the anti-donation clause, and thus could receive appropriations from the General Fund for capital projects.

Background:

Similar legislation was introduced in 2009, but it did not pass.

Related Bills:

HB 90 *Native American Schools Dual Credit Program*
SB 21 *Graduate Student Lottery Tuition*
SB 134 *Military Veteran Lottery Scholarships*