

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 256a

50th Legislature, 2nd Session, 2012

Tracking Number: .188853.1

Short Title: Tribal College Dual Credit Programs

Sponsor(s): Senator John Pinto and Others

Analyst: David Harrell

Date: February 13, 2012

AS AMENDED

The Senate Finance Committee amendments strike the appropriation.

Original Bill Summary:

SB 256 adds a new section to the higher education statutes governing the dual credit program to create the Tribal College Dual Credit Program Fund, to be administered by the Higher Education Department (HED). The money in the fund is to be used to compensate tribal colleges for the tuition and fees that they waive to allow high school students to attend classes on those colleges' campuses or online. The bill also makes an appropriation to the newly created fund.

Original Fiscal Impact:

\$500,000 is appropriated from the General Fund to the Tribal College Dual Credit Program Fund for FY 13 "for foregone revenue due to the waiver of tuition and fees by the [tribal] college for high school students participating in that [dual credit] program during the preceding school year.

Any unexpended or unencumbered funds revert to the General Fund.

Fiscal Issues:

Assuming that tribal colleges will be participating in the dual credit program year after year, the sponsor may wish to consider making the Tribal College Dual Credit Program Fund nonreverting.

Substantive Issues:

The statute governing the dual credit program requires public postsecondary institutions and tribal colleges participating in the program to waive all general fees for dual credit courses. It also requires HED "to encourage institutions to waive tuition for high school students taking those courses" and to revise procedures in the higher education funding formula to address enrollments in dual credit courses. For those institutions funded through that formula, HED has devised a method for reimbursing the institutions for waived tuition; however, because tribal colleges are not funded through the higher education funding formula, another method of reimbursement is needed.

HED's analysis of SB 256 notes that the appropriation would be used exclusively to cover costs for four tribal colleges: Diné College (Navajo Community College), the Institute of American Indian Arts, Southwestern Indian Polytechnic Institute, and Navajo Technical College. The analysis by HED also emphasizes the importance of tribal colleges' submitting accurate, timely data, especially if SB 256 is enacted.

The analysis by the Public Education Department (PED) cites the need for collaboration among HED, PED, tribal departments of education, and the Bureau of Indian Education (BIE), as well as the tribal colleges.

Technical Issues:

As noted above, statute requires postsecondary institutions participating in the dual credit program to waive all general fees, and it encourages them to waive tuition; however, the only reimbursement for the public institutions is for waived tuition. SB 256 would reimburse tribal colleges for the waived fees as well.

Background:

The legislation including tribal colleges and federal BIE high schools in the dual credit program was enacted in 2010 (HB 90, or Laws 2010, Chapter 36). While this legislation expanded the opportunities for participation in the dual credit program, it also created the need for new administrative procedures, particularly with regard to tuition reimbursement.

The original legislation creating the dual credit program was enacted in 2007, and it was endorsed by the Legislative Education Study Committee. As amended in subsequent years, the legislation:

- defines the term “dual credit program” as “a program that allows high school students to enroll in college-level courses offered by a public post-secondary educational institution or tribal college that may be academic or career-technical but not remedial or developmental, and simultaneously to earn credit toward high school graduation and a post-secondary degree or certificate”;
- establishes two eligibility criteria for students wishing to participate in the program:
 - enrollment in a regular public school, charter school, state-supported school, or BIE high school in one-half or more of the minimum course requirements; and
 - permission from a school counselor, the school principal, or the head administrator of a charter school or BIE high school;
- requires the school district, charter school, state-supported school or BIE high school to pay for required textbooks and any course supplies through purchase arrangements with the bookstore at the postsecondary institution or some other cost-efficient method;
- requires the public postsecondary educational institution or tribal college to waive all general fees;

- requires HED to revise procedures in the higher education funding formula to address enrollments in dual credit courses and to encourage institutions to waive tuition for students taking those courses; and
- requires HED and PED to promulgate rules to evaluate the dual credit program and to make annual reports, including recommendations, to the Governor and the Legislature.

Related Bills:

None as of February 13, 2012.