

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HM 94a

51st Legislature, 1st Session, 2013

Tracking Number: .193654.3

Short Title: Identify Tribal College Exclusions

Sponsor(s): Representatives Sharon Clahchischilliage and Eliseo Lee Alcon and Sandra D. Jeff, and Others

Analyst: Travis Dulany

Date: March 14, 2013

AS AMENDED

The House Education Committee amendment changes the entity requested to examine the various topics enumerated in the memorial from the Legislative Education Study Committee (LESC) to the Higher Education Department (HED). The amendment also requests that HED submit the final report to the LESC for further action as necessary.

Original Bill Summary:

HM 94 requests that the Legislative Education Study Committee (LESC) examine the following, during the 2013 interim to identify where tribal colleges are excluded:

- state programs;
- policies and procedures; and
- accompanying budget and funding processes, including the Legislative Lottery Scholarship program.

The memorial requests that the LESC draft a report with findings and recommendations to address how tribal colleges shall be included in state programs, policies, procedures, regulations, and accompanying annual budgets and funding processes. A draft of this report is to be available for comment by interested parties, including Indian nations, tribes, and pueblos, 90 days before the 2014 regular legislative session.

Furthermore, the final report is to identify the manner in which the Legislature and state agencies will use statute and rule to achieve and implement the report's recommendations. The final report is to be submitted to the interim Indian Affairs Committee for further action as necessary.

Fiscal Impact:

Legislative memorials do not contain appropriations.

Memorials requesting the examination of education-related topics are likely to have a fiscal impact in terms of staff time, travel, office supplies, and other items.

Substantive Issues:

A number of administrative issues with regard to funding and reimbursement for tribal colleges have arisen during discussions in recent years, including dual credit and the Legislative Lottery Scholarship program.

Dual Credit

Legislation that included tribal colleges and federal Bureau of Indian Education high schools in the state's dual credit program was enacted in 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.

Statutorily and constitutionally established, state-supported higher education institutions receive reimbursement for their dual credit students through the higher education funding formula; however, because tribal colleges are not funded through the funding formula, a different method for reimbursing tribal colleges that waive tuition for dual credit students was necessary.

During the 2012 regular legislative session, legislation was enacted that created the Tribal College Dual Credit Program Fund (Chapter 44), which was "to be used only to compensate tribal colleges for the tuition and fees waived" to allow high school students to attend tribal colleges pursuant to the dual credit program. Although the fund was created, no appropriation was made to the fund for FY 13. Legislation has been introduced during the current legislative session to appropriate funds to the Tribal College Dual Credit Program Fund (see "Related Bills," below).

Legislative Lottery Scholarship

Statute governing the Legislative Lottery Scholarship provides for tuition awards for qualified students attending certain universities; however, tribal colleges located within the state – Southwest Indian Polytechnic Institute,¹ Diné College, the Institute of American Indian Arts, and Navajo Technical College – are not enumerated in this section of law and therefore do not distribute Legislative Lottery Scholarship awards.

Legislation has been introduced during the current legislative session to include resident undergraduates at tribal colleges in the Legislative Lottery Scholarship program.²

Committee Referrals:

HEC

Related Bills:

HB 283 *Tribal College Dual Credit Program Fund* (Identical to SB 303)

SB 303 *Tribal College Dual Credit Program Fund* (Identical to HB 283)

¹ A Higher Education Department analysis for a related bill notes that SIPI does not charge tuition and accepts only students who meet its tribal affiliation criteria.

² HB 28, *Lottery Scholarships at Tribal Colleges*.