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SENATE BILL 1049

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Lynda M. Lovejoy

AN ACT

RELATING TO HIGHER EDUCATION; ENACTING THE AMERICAN INDIAN  
POST-SECONDARY EDUCATION ACT; CREATING A DIVISION IN THE HIGHER  
EDUCATION DEPARTMENT; PROVIDING DUTIES; ALLOWING FOR JOINT  
POWERS AGREEMENTS AND MEMORANDA OF UNDERSTANDING; CREATING A  
FUND; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE.--This act may be cited as the  
"American Indian Post-Secondary Education Act".

Section 2. PURPOSE OF ACT.--The purpose of the American  
Indian Post-Secondary Education Act is to:

A. assist in the development of culturally relevant  
learning environments and post-secondary educational  
opportunities for American Indian students;

B. ensure maintenance of native languages and

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1 cultures;

2 C. provide for the study, development and  
3 implementation of post-secondary educational systems that  
4 positively affect the educational success of American Indian  
5 students;

6 D. provide the means for a formal relationship  
7 between the department and tribal colleges and develop  
8 relationships with the education division of the bureau of  
9 Indian affairs and other entities that serve American Indian  
10 students; and

11 E. provide a mechanism for tribal colleges and  
12 other tribal educational agencies; the department; post-  
13 secondary institutions; students and parents; community-based  
14 organizations; the public education department; and tribal,  
15 state and local policymakers to work together to improve post-  
16 secondary educational opportunities for American Indian  
17 students.

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

20 A. "department" means the higher education  
21 department;

22 B. "division" means the American Indian post-  
23 secondary education division of the department;

24 C. "post-secondary institutions" means public,  
25 tribal and private post-secondary educational institutions;

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1 D. "secretary" means the secretary of higher  
2 education;

3 E. "tribal college" means a tribally, federally or  
4 congressionally chartered post-secondary institution located in  
5 New Mexico that is accredited by the north central association  
6 of colleges and schools; and

7 F. "tribe" means an Indian nation, tribe or pueblo  
8 located within New Mexico.

9 Section 4. DEPARTMENT--RULES--JOINT POWERS AGREEMENTS AND  
10 MEMORANDA OF UNDERSTANDING.--

11 A. The department, in consultation with tribes, may  
12 adopt and promulgate rules to implement the provisions of the  
13 American Indian Post-Secondary Education Act.

14 B. The secretary may enter into joint powers  
15 agreements with tribal colleges and tribes, and into memoranda  
16 of understanding with the New Mexico tribal higher education  
17 consortium and private educational institutions, for data  
18 collection and data sharing and for other matters necessary to  
19 carry out the provisions of the American Indian Post-Secondary  
20 Education Act.

21 Section 5. AMERICAN INDIAN POST-SECONDARY EDUCATION  
22 DIVISION--CREATED--DUTIES.--

23 A. The "American Indian post-secondary education  
24 division" is created within the department. The secretary  
25 shall appoint a director of American Indian post-secondary

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1 education, who shall direct the activities of the division.

2 B. The division shall:

3 (1) provide assistance to post-secondary  
4 institutions to meet the higher education needs of American  
5 Indian students;

6 (2) provide assistance to post-secondary  
7 institutions in the planning, development, implementation and  
8 evaluation of recruitment and retention strategies designed for  
9 American Indian college students;

10 (3) seek funds to establish, develop and  
11 implement the following support services to increase the  
12 enrollment, retention and graduation rates of American Indians  
13 in post-secondary institutions:

14 (a) recruitment;

15 (b) retention;

16 (c) academic support and transition  
17 programs; and

18 (d) academic financial support;

19 (4) develop a system for consistent data  
20 collection and sharing on the enrollment, retention and  
21 graduation rates of American Indian students at post-secondary  
22 institutions;

23 (5) collaborate with the public education  
24 department on the pre-kindergarten through grade twenty  
25 initiative, higher education grants and teacher education

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1 initiatives to promote a seamless educational system for  
2 American Indian students;

3 (6) at least semiannually, hold a public  
4 meeting for representatives of the New Mexico tribal higher  
5 education consortium, tribes, post-secondary institutions,  
6 American Indian students, the governor's office, the Indian  
7 affairs department, the public education department, the  
8 legislature and other interested persons to discuss American  
9 Indian higher education issues, including how to ensure  
10 attendance and graduation of American Indian students from  
11 post-secondary institutions; and

12 (7) ensure that two members of the Indian  
13 education advisory council are higher education  
14 representatives.

15 Section 6. REPORT.--

16 A. Each public post-secondary institution shall  
17 submit a biannual American Indian post-secondary education  
18 status report to the division as provided in this section. The  
19 division shall work with and encourage tribal colleges and  
20 private educational institutions and other entities that serve  
21 American Indian college students to submit a status report.  
22 The division shall compile the information received into the  
23 state American Indian post-secondary education status report.

24 B. The status report provided by each post-  
25 secondary institution shall be written in a brief format and

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1 shall include the following information through which American  
2 Indian post-secondary educational performance is measured and  
3 aligned with the department's strategic priorities:

- 4 (1) student recruitment;
- 5 (2) student retention;
- 6 (3) student attrition;
- 7 (4) student remediation programs;
- 8 (5) graduation rates;
- 9 (6) annual goals and objectives of American  
10 Indian education programs;
- 11 (7) financial aid reports; and
- 12 (8) other issues identified by the division or  
13 recommended by the biannual public meetings.

14 Section 7. FUND CREATED--GRANTS--APPLICATION AND AWARD  
15 PROCESS.--

16 A. The "American Indian post-secondary education  
17 fund" is created in the state treasury. The fund consists of  
18 appropriations, gifts, grants, donations and income from  
19 investment of the fund. Balances in the fund at the end of a  
20 fiscal year shall not revert or be transferred to any other  
21 fund. The fund shall be administered by the department, and  
22 money in the fund is appropriated to the department to award  
23 grants in support of the American Indian Post-Secondary  
24 Education Act. Disbursements from the fund shall be by warrant  
25 of the secretary of finance and administration on vouchers

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1 signed by the secretary or the secretary's authorized  
2 representative.

3 B. Grants may be awarded for special projects  
4 related to recruitment, retention and graduation of American  
5 Indian students, including student conferences, cultural  
6 awareness training for faculty and staff at post-secondary  
7 institutions, academic support and transition programs and  
8 other projects approved by the division.

9 C. Applications for grants from the fund shall be  
10 in the form prescribed by the division. The division, with the  
11 secretary's approval, shall promulgate rules on the application  
12 and award process, including who may apply for grants from the  
13 fund; information required in the application process; how  
14 applications will be evaluated and awarded; accounting and  
15 financial reporting requirements for grantees; reporting  
16 requirements on the use of a grant and the outcomes of the  
17 project funded; and any other information deemed necessary by  
18 the division.

19 Section 8. APPROPRIATION.--

20 A. Nine hundred thousand dollars (\$900,000) is  
21 appropriated from the general fund to the American Indian post-  
22 secondary education fund for expenditure in fiscal year 2008  
23 and subsequent fiscal years to make grants for projects funded  
24 in accordance with the American Indian Post-Secondary Education  
25 Act. Any unexpended or unencumbered balance remaining at the

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1 end of a fiscal year shall not revert to the general fund.

2 B. One hundred thousand dollars (\$100,000) is  
3 appropriated from the general fund to the higher education  
4 department for expenditure in fiscal year 2008 for operational  
5 expenses associated with the American Indian post-secondary  
6 education division, the conduct of the first biannual meeting  
7 and the development of a data collection and data sharing  
8 system for post-secondary educational institutions as provided  
9 in the American Indian Post-Secondary Education Act. Any  
10 unexpended or unencumbered balance remaining at the end of  
11 fiscal year 2008 shall revert to the general fund.