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AN ACT

RELATING TO HIGHER EDUCATION; ALLOWING TRIBAL COLLEGES TO
RECEIVE FUNDS FROM THE LOTTERY TUITION FUND.

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

SECTION 1. Section 21-21N-2 NMSA 1978 (being Laws 2014,
Chapter 80, Section 2, as amended) is amended to read:

"21-21N-2. DEFINITIONS.--As used in the Legislative
Lottery Tuition Scholarship Act:

A. "community college" means a branch community
college of a four-year state educational institution, a
two-year state educational institution or a community college
or technical and vocational institute established pursuant to
Chapter 21, Article 13 or 16 NMSA 1978, respectively;

B. "comprehensive institution" means eastern
New Mexico university, western New Mexico university,
New Mexico highlands university or northern New Mexico
college;

C. "department" means the higher education
department;

D. "full time" means fifteen or more credit hours
each semester of the regular academic year in state
educational institutions and twelve or more credit hours each
semester of the regular academic year in community colleges
or for legacy students in any program semester;

1 E. "fund" means the lottery tuition fund;

2 F. "legacy student" means a full-time resident
3 student who has received for three or more program semesters
4 by the end of fiscal year 2014 the legislative lottery
5 scholarship awarded pursuant to the former provisions of
6 Sections 21-1-4.3, 21-13-10 and 21-16-10.1 NMSA 1978 prior to
7 the enactment of the Legislative Lottery Tuition Scholarship
8 Act;

9 G. "program semesters" means those semesters for
10 which a legacy or qualified student may receive a tuition
11 scholarship and excludes the first semester of attendance at
12 a public post-secondary educational institution;

13 H. "public post-secondary educational institution"
14 means a four-year state educational institution or a
15 community college;

16 I. "qualified student" means a full-time student
17 who graduated from a public or accredited private New Mexico
18 high school or who received a high school equivalency
19 credential while maintaining residency in New Mexico and who:

20 (1) either:

21 (a) within sixteen months of graduation
22 or receipt of a high school equivalency credential, was
23 accepted for entrance to and attended a public post-secondary
24 educational institution; or

25 (b) within four months of graduation or

1 receipt of a high school equivalency credential, began
2 service in the United States armed forces and within sixteen
3 months of completion of honorable service or medical
4 discharge from the service, attended a public post-secondary
5 educational institution; and

6 (2) successfully completed the first
7 semester at a public post-secondary educational institution
8 with a grade point average of 2.5 or higher on a 4.0 scale
9 during the first semester of full-time enrollment;

10 J. "research institution" means the university of
11 New Mexico, New Mexico state university or New Mexico
12 institute of mining and technology;

13 K. "state educational institution" means an
14 institution of higher education enumerated in Article 12,
15 Section 11 of the constitution of New Mexico;

16 L. "tribal college" means a tribally, federally or
17 congressionally chartered post-secondary educational
18 institution located in New Mexico that is accredited by the
19 higher learning commission; and

20 M. "tuition scholarship" means the scholarship
21 that provides tuition assistance per program semester for a
22 qualified student or legacy student attending a public
23 post-secondary educational institution or tribal college."

24 SECTION 2. Section 21-21N-3 NMSA 1978 (being Laws 2014,
25 Chapter 80, Section 3, as amended) is amended to read:

1 "21-21N-3. TUITION SCHOLARSHIPS AUTHORIZED--QUALIFIED
2 STUDENTS.--

3 A. To the extent that funds are made available by
4 the legislature from the fund, the boards of regents or
5 governing bodies of public post-secondary educational
6 institutions and tribal colleges shall award tuition
7 scholarships in department-approved amounts to qualified
8 students and legacy students attending their respective
9 public post-secondary educational institutions.

10 B. Beginning in fiscal year 2015:

11 (1) a legacy student is eligible to receive
12 a tuition scholarship until the total number of program
13 semesters for which the legislative lottery scholarship is
14 received pursuant to the former provisions of
15 Sections 21-1-4.3, 21-13-10 and 21-16-10.1 NMSA 1978 or the
16 Legislative Lottery Tuition Scholarship Act reaches eight;
17 provided that the legacy student maintains residency in
18 New Mexico, maintains a grade point average of 2.5 or higher
19 on a 4.0 scale and completes twelve or more credit hours per
20 program semester; and

21 (2) a qualified student who is not a legacy
22 student is eligible to receive the tuition scholarship for a
23 maximum of seven program semesters and in an amount
24 determined pursuant to the provisions of Section 21-21N-4
25 NMSA 1978.

1 C. Except as otherwise provided in this section, a
2 tuition scholarship may be awarded to a qualified student
3 who:

4 (1) maintains residency in New Mexico;

5 (2) maintains a grade point average of 2.5
6 or higher on a 4.0 scale; and

7 (3) completes:

8 (a) for a student attending a four-year
9 public post-secondary educational institution or a tribal
10 college, fifteen or more credit hours per program semester;
11 and

12 (b) for a student attending a two-year
13 public post-secondary educational institution, twelve or more
14 credit hours per program semester.

15 D. For students with disabilities who may require
16 accommodations, the department, in consultation with the
17 student and the office at the public post-secondary
18 educational institution or the tribal college that serves
19 students with disabilities, shall review both the definition
20 of "full time" and the maximum number of consecutive program
21 semesters of eligibility and adjust either or both as deemed
22 reasonable and appropriate, based on the student's disability
23 needs. In no case, however, shall "full time" mean fewer
24 than six credit hours per semester, and in no case shall
25 eligibility extend beyond fourteen consecutive program

1 semesters."

2 SECTION 3. Section 21-21N-4 NMSA 1978 (being Laws 2014,
3 Chapter 80, Section 4, as amended) is amended to read:

4 "21-21N-4. TUITION SCHOLARSHIP AMOUNT--FUND.--

5 A. Prior to June 1 of each year, based on the
6 amount appropriated by the legislature from the fund and on
7 the projected enrollment at all public post-secondary
8 educational institutions and tribal colleges, the department
9 shall:

10 (1) determine the total amount of money
11 available for all tuition scholarships for qualified
12 students;

13 (2) determine the award amount for research
14 institutions, comprehensive institutions, tribal colleges and
15 community colleges; and

16 (3) notify all public post-secondary
17 educational institutions and tribal colleges of the
18 determinations made pursuant to Paragraphs (1) and (2) of
19 this subsection.

20 B. In determining distribution and award amounts
21 for the tuition scholarship program, the department shall:

22 (1) maintain the minimum fund balance
23 pursuant to Section 21-21N-5 NMSA 1978;

24 (2) distribute to all public post-secondary
25 educational institutions and tribal colleges an amount not to

1 exceed the remaining balance in the fund; and

2 (3) subject to the provisions of
3 Paragraphs (1) and (2) of this subsection, distribute to each
4 public post-secondary educational institution or tribal
5 college an amount based on:

6 (a) the projected enrollment at each
7 four-year public post-secondary educational institution and
8 tribal college of qualified students in their first through
9 seventh program semesters, including qualified students in
10 their fourth through seventh program semesters who
11 transferred from community colleges;

12 (b) the projected enrollment at each
13 community college of qualified students in their first
14 through third program semesters; and

15 (c) an award for each scholarship
16 recipient distributed in amounts as follows: 1) one thousand
17 five hundred dollars (\$1,500) per scholarship per program
18 semester for a student enrolled at a research institution;
19 2) one thousand twenty dollars (\$1,020) per scholarship per
20 program semester for a student enrolled at a comprehensive
21 institution or tribal college; and 3) three hundred eighty
22 dollars (\$380) per scholarship per program semester for a
23 student enrolled at a community college.

24 C. If the total amount available pursuant to
25 Paragraph (1) of Subsection A of this section is less than

1 the amount calculated in Subsection B of this section, the
2 department shall decrease the scholarship award amounts in a
3 manner that maintains the distribution in the same
4 proportions as provided in Subparagraph (c) of Paragraph (3)
5 of Subsection B of this section.

6 D. If the total amount available pursuant to
7 Paragraph (1) of Subsection A of this section is more than
8 the amount calculated in Subsection B of this section, the
9 department shall increase the scholarship award amounts in a
10 manner that maintains the distribution in the same
11 proportions as provided in Subparagraph (c) of Paragraph (3)
12 of Subsection B of this section."

13 SECTION 4. Section 21-21N-5 NMSA 1978 (being Laws 1995,
14 Chapter 155, Section 23, as amended) is amended to read:

15 "21-21N-5. LOTTERY TUITION FUND CREATED--PURPOSE.--

16 A. The "lottery tuition fund" is created in the
17 state treasury. The fund shall be administered by the
18 department. Earnings from investment of the fund shall
19 accrue to the credit of the fund. The fund shall maintain an
20 annual average balance of two million dollars (\$2,000,000),
21 and any balance in the fund at the end of any fiscal year
22 shall remain in the fund for appropriation by the legislature
23 as provided in this section.

24 B. Money in the fund shall be appropriated by the
25 legislature to the department for distribution to

1 New Mexico's public post-secondary educational institutions
2 and tribal colleges to provide tuition assistance for
3 qualified students and legacy students as provided in the
4 Legislative Lottery Tuition Scholarship Act."

5 SECTION 5. Section 21-21N-7 NMSA 1978 (being Laws 2015,
6 Chapter 84, Section 2) is amended to read:

7 "21-21N-7. LOTTERY STUDENT COMMUNITY OUTREACH PILOT
8 PROJECT--TUITION SCHOLARSHIP RECIPIENTS--ADDITIONAL
9 REQUIREMENTS--MENTORING--TRAINING.--

10 A. The "lottery student community outreach pilot
11 project" is created as a six-year study that encourages
12 students who receive a tuition scholarship pursuant to the
13 Legislative Lottery Tuition Scholarship Act at participating
14 public post-secondary educational institutions or tribal
15 colleges to volunteer to provide community outreach, chiefly
16 through mentoring public school students. Tuition
17 scholarship students are not required to participate to
18 maintain their tuition scholarship. The purpose of the pilot
19 project is to demonstrate that:

20 (1) both mentors and mentees receive similar
21 benefits, including improved grades and on-time graduation
22 and a renewed sense of confidence, purpose and community and
23 civic engagement;

24 (2) this service improves the community in
25 which the student volunteer works and the public school

1 student lives;

2 (3) mentoring by young adults can help
3 disadvantaged public school students narrow the achievement
4 gap; improve cognitive, social and behavioral skills; and
5 lead to higher test scores and success in school; and

6 (4) mentoring can also help the student
7 volunteer improve the student volunteer's skills, test scores
8 and success in college and inculcate civic and social
9 engagement in community life.

10 B. The pilot project shall be administered by the
11 department and shall be conducted with at least three public
12 post-secondary educational institutions around the state,
13 ideally with at least one from the research institutions, at
14 least one from the comprehensive universities or tribal
15 colleges and at least one from the branch and independent
16 community colleges and with at least five hundred tuition
17 scholarship students. Preference for the pilot project shall
18 be given to institutions in areas with high poverty rates and
19 in public schools with eighty-five percent or more of the
20 students eligible for free or reduced-fee lunch and high
21 English language learner populations. The department may
22 expand the pilot project during its term to more
23 participants.

24 C. The department shall certify a list of
25 nonprofit community- and education-oriented organizations

1 that maintain relationships with public schools with which
2 student volunteers may work. The organizations shall
3 identify public schools in their areas that are interested in
4 having mentors and shall develop a mentoring training program
5 for student volunteers. The organizations shall also
6 identify community-based outreach or specific community-based
7 projects appropriate for students in their first program
8 semester or students unable to mentor during the school year.

9 D. A participating community- and
10 education-oriented organization shall monitor and evaluate
11 the work of the student volunteers and the time spent
12 mentoring or participating in community-based projects as
13 well as the progress of the public school students being
14 mentored.

15 E. The department shall determine application
16 requirements and procedures for public post-secondary
17 educational institutions, tribal colleges, nonprofit
18 community- and education-oriented organizations and student
19 volunteers to apply for the pilot project, criteria to
20 evaluate applications and quantitative and qualitative
21 measures of the pilot project's efficacy.

22 F. In addition to other requirements and
23 qualifications in the Legislative Lottery Tuition Scholarship
24 Act, a tuition scholarship student who participates in the
25 pilot project shall provide at least two hours per week of

1 community outreach with public school students in the area of
2 the public post-secondary educational institution or tribal
3 college the student attends. The community outreach shall
4 consist of:

- 5 (1) partnering with community-based
6 organizations and assisting with community-based projects;
- 7 (2) mentoring public school students; or
- 8 (3) mentoring first-year college students.

9 G. The following schedule of community outreach
10 for student volunteers is:

11 (1) students in their first program semester
12 shall partner with a community-based organization to assist
13 it in community outreach or specific community-based
14 projects;

15 (2) students in their sophomore and junior
16 years shall mentor students in grades kindergarten through
17 twelve; and

18 (3) students in their senior year shall
19 mentor freshmen college students.

20 H. If a tuition scholarship student who wants to
21 participate is unable to perform the community outreach
22 service during the school year because of class load, work
23 requirements or other reasons, the student volunteer may
24 volunteer for an approved community outreach project that
25 will be available for the student to participate in during

1 semester breaks or the summer for a total of at least
2 thirty-two hours.

3 I. Public schools that choose to participate in
4 the pilot project shall identify willing students who would
5 benefit from participation. The student's teacher or school
6 principal shall work with the nonprofit organization and the
7 student volunteer to determine what activities and types of
8 engagement would benefit the mentee student.

9 J. The department shall establish reporting and
10 evaluation requirements for all participants in the pilot
11 project. The department shall provide interim and final
12 reports annually to the governor and the legislature.

13 K. The participating public post-secondary
14 educational institutions, tribal colleges, nonprofit
15 community- and education-oriented organizations and public
16 schools shall actively seek public and private grants and
17 donations for any costs of the pilot project. Grants and
18 donations shall be kept and expended as other grants and
19 donations of the institution, tribal college, organization or
20 public school."

21 SECTION 6. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2019. _____

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