



The Legislature
of the
State of New Mexico

49th Legislature, 1st Session

LAWS 2009

CHAPTER 6D

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE

SUBSTITUTE FOR HOUSE BILL 50

Introduced by



CHAPTER 60

AN ACT

1
2 RELATING TO HIGHER EDUCATION; ENACTING THE AMERICAN INDIAN
3 POST-SECONDARY EDUCATION ACT; CREATING A DIVISION IN THE
4 HIGHER EDUCATION DEPARTMENT; PROVIDING POWERS AND DUTIES;
5 CREATING A FUND; AUTHORIZING MEMORANDA OF UNDERSTANDING
6 BETWEEN THE DEPARTMENT AND TRIBAL COLLEGES AND FEDERAL BUREAU
7 OF INDIAN EDUCATION SCHOOLS.

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

10 Section 1. Section 9-25-4 NMSA 1978 (being Laws 2005,
11 Chapter 289, Section 4, as amended) is amended to read:

12 "9-25-4. DEPARTMENT CREATED.--

13 A. The "higher education department" is created in
14 the executive branch. The department is a cabinet department
15 and includes the following divisions:

- 16 (1) the administrative services division;
17 (2) the planning and research division;
18 (3) the financial aid division;
19 (4) the public information and
20 communications division;
21 (5) the adult basic education division;
22 (6) the information technology division;
23 (7) the private and proprietary schools
24 division;
25 (8) the public schools liaison division; and

1 (9) the American Indian post-secondary
2 education division.

3 B. The secretary may organize the department and
4 divisions of the department and may transfer or merge
5 functions between divisions and bureaus in the interest of
6 efficiency and economy."

7 Section 2. SHORT TITLE.--Sections 2 through 7 of this
8 act may be cited as the "American Indian Post-Secondary
9 Education Act".

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

12 A. "bureau of Indian education school" means a
13 school located in New Mexico that is under the control of the
14 bureau of Indian education of the United States department of
15 the interior;

16 B. "department" means the higher education
17 department;

18 C. "division" means the American Indian post-
19 secondary education division of the department;

20 D. "fund" means the American Indian post-secondary
21 education fund;

22 E. "public post-secondary educational institution"
23 means an institution of higher education delineated in Article
24 12, Section 11 of the constitution of New Mexico or a
25 community college, branch community college or technical and

1 vocational institute organized pursuant to Chapter 21, Article
2 13, 14 or 16 NMSA 1978;

3 F. "secretary" means the secretary of higher
4 education;

5 G. "tribal college" means a tribally, federally or
6 congressionally chartered post-secondary educational
7 institution located within New Mexico that is accredited by
8 the north central association of colleges and schools; and

9 H. "tribe" means an Indian nation, tribe or pueblo
10 located within New Mexico.

11 Section 4. DEPARTMENT RULES--MEMORANDA OF
12 UNDERSTANDING.--

13 A. The department shall consult with tribes,
14 bureau of Indian education schools and tribal colleges when
15 adopting rules to carry out the provisions of the American
16 Indian Post-Secondary Education Act.

17 B. The secretary may enter into memoranda of
18 understanding with tribal colleges, bureau of Indian education
19 schools and tribes for data collection and data sharing and
20 for other matters related to implementation of the American
21 Indian Post-Secondary Education Act.

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

24 A. The division shall:

25 (1) develop and implement policies that

1 positively affect the post-secondary educational success of
2 American Indian students;

3 (2) provide assistance to public post-
4 secondary educational institutions and tribal colleges in the
5 planning, development, implementation and evaluation of
6 recruitment and retention strategies designed for American
7 Indian college students;

8 (3) seek funding to assist public
9 educational institutions and tribal colleges as needed to
10 develop support services to increase the enrollment, retention
11 and graduation rates of American Indians at public post-
12 secondary educational institutions and tribal colleges,
13 including:

14 (a) academic support and transition
15 programs; and

16 (b) institutional efforts to increase
17 academic financial support;

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

22 (5) conduct outreach to tribes concerning
23 financial aid opportunities for American Indian students.

24 B. The director of the division shall serve as a
25 liaison with the Indian education advisory council.

1 Section 6. REPORTS.--

2 A. Each public post-secondary educational
3 institution shall submit an annual American Indian post-
4 secondary education status report to the division. The
5 department may enter into agreements with tribal colleges to
6 provide the same annual status reports. The status reports
7 shall be submitted in a form prescribed by the division and
8 shall include the following information through which American
9 Indian post-secondary educational performance is measured and
10 aligned with the higher education strategic priorities:

- 11 (1) student recruitment;
- 12 (2) student retention;
- 13 (3) student attrition;
- 14 (4) remediation needs, by course type;
- 15 (5) graduation rate and types and fields of
16 degrees;
- 17 (6) student financial aid data, including
18 student demographic data; and
- 19 (7) annual goals and objectives of American
20 Indian education programs, including graduate-level
21 participation by American Indians.

22 B. The division shall compile the data collected
23 pursuant to Subsection A of this section and publish an annual
24 state American Indian post-secondary education status report.

25 Section 7. AMERICAN INDIAN POST-SECONDARY EDUCATION

1 FUND CREATED--GRANTS--APPLICATIONS.--

2 A. The "American Indian post-secondary education
3 fund" is created as a nonreverting fund in the state treasury.
4 The fund consists of appropriations, gifts, grants, donations
5 and income from investment of the fund. The fund shall be
6 administered by the department, and money in the fund is
7 appropriated to the department to carry out the purposes of
8 the American Indian Post-Secondary Education Act.
9 Disbursements from the fund shall be by warrant of the
10 secretary of finance and administration pursuant to vouchers
11 signed by the secretary of higher education or the secretary's
12 authorized representative.

13 B. Grants may be awarded for special projects
14 related to recruitment, retention and graduation of American
15 Indian students, including student conferences, cultural
16 awareness training for faculty and staff at public post-
17 secondary educational institutions and tribal colleges,
18 academic support and transition programs and other projects
19 approved by the division.

20 C. Applications for grants shall be in the form
21 prescribed by the division. The division, with the
22 secretary's approval, shall promulgate rules on the grant
23 application and award process, including:

- 24 (1) who may apply for grants;
25 (2) information required in the application

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process;

(3) how applications will be evaluated and awarded;

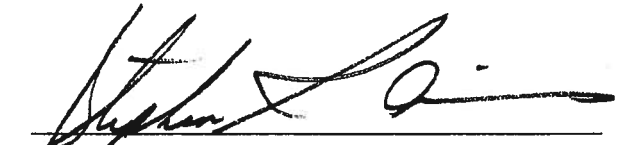
(4) accounting and financial reporting requirements for grantees;

(5) reporting requirements on the use of a grant and the outcomes of the special project funded by the grant; and

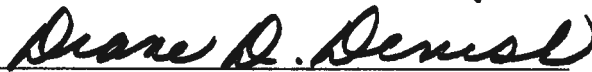
(6) any other information deemed necessary by the division.



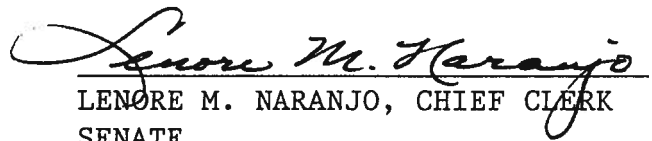
BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



DIANE D. DENISH, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 2nd day of April, 2009



BILL RICHARDSON, GOVERNOR
STATE OF NEW MEXICO

OFFICE OF THE GOVERNOR
STATE OF NEW MEXICO
SANTA FE, NEW MEXICO