

SENATE BILL 407

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Benny Shendo, Jr.

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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-

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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;

E. "fund" means the lottery tuition fund;

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

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

H. "public post-secondary educational institution"

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means a four-year state educational institution or a community college;

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

(1) either:

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

(b) within four months of graduation or receipt of a high school equivalency credential, began service in the United States armed forces and within sixteen months of completion of honorable service or medical discharge from the service, attended a public post-secondary educational institution; and

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

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

K. "state educational institution" means an

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institution of higher education enumerated in Article 12,  
Section 11 of the constitution of New Mexico; ~~and~~

L. "tribal college" means a tribally, federally or  
congressionally chartered post-secondary educational  
institution located in New Mexico that is accredited by the  
SEC→north central association of colleges and schools←SEC  
SEC→higher learning commission←SEC; and

~~[E.]~~ M. "tuition scholarship" means the scholarship  
that provides tuition assistance per program semester for a  
qualified student or legacy student attending a public post-  
secondary educational institution Sfl→SEC→or tribal  
college←SEC←Sfl Sfl→or tribal college←Sfl."

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

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

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

B. Beginning in fiscal year 2015:

(1) a legacy student is eligible to receive a

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

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

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

(1) maintains residency in New Mexico;  
(2) maintains a grade point average of 2.5 or higher on a 4.0 scale; and

(3) completes:  
(a) for a student attending a four-year public post-secondary educational institution or a tribal college, fifteen or more credit hours per program semester; and

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

D. For students with disabilities who may require

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

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

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

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

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

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

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

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subsection.

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

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

(2) distribute to all public post-secondary educational institutions and tribal colleges an amount not to exceed the remaining balance in the fund; and

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

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

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

(c) an award for each scholarship recipient distributed in amounts as follows: 1) one thousand five hundred dollars (\$1,500) per scholarship per program semester for a student enrolled at a research institution; 2)

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one thousand twenty dollars (\$1,020) per scholarship per program semester for a student enrolled at a comprehensive institution or tribal college; and 3) three hundred eighty dollars (\$380) per scholarship per program semester for a student enrolled at a community college.

C. If the total amount available pursuant to Paragraph (1) of Subsection A of this section is less than the amount calculated in Subsection B of this section, the department shall decrease the scholarship award amounts in a manner that maintains the distribution in the same proportions as provided in Subparagraph (c) of Paragraph (3) of Subsection B of this section.

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

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

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

A. The "lottery tuition fund" is created in the state treasury. The fund shall be administered by the department. Earnings from investment of the fund shall accrue

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to the credit of the fund. The fund shall maintain an annual average balance of two million dollars (\$2,000,000), and any balance in the fund at the end of any fiscal year shall remain in the fund for appropriation by the legislature as provided in this section.

B. Money in the fund shall be appropriated by the legislature to the department for distribution to New Mexico's public post-secondary educational institutions and tribal colleges to provide tuition assistance for qualified students and legacy students as provided in the Legislative Lottery Tuition Scholarship Act."

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

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

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

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demonstrate that:

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

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

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

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

B. The pilot project shall be administered by the department and shall be conducted with at least three public post-secondary educational institutions around the state, ideally with at least one from the research institutions, at least one from the comprehensive universities or tribal colleges and at least one from the branch and independent community colleges and with at least five hundred tuition scholarship students. Preference for the pilot project shall be given to institutions in areas with high poverty rates and

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in public schools with eighty-five percent or more of the students eligible for free or reduced-fee lunch and high English language learner populations. The department may expand the pilot project during its term to more participants.

C. The department shall certify a list of nonprofit community- and education-oriented organizations that maintain relationships with public schools with which student volunteers may work. The organizations shall identify public schools in their areas that are interested in having mentors and shall develop a mentoring training program for student volunteers. The organizations shall also identify community-based outreach or specific community-based projects appropriate for students in their first program semester or students unable to mentor during the school year.

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

E. The department shall determine application requirements and procedures for public post-secondary educational institutions, tribal colleges, nonprofit community- and education- oriented organizations and student volunteers to apply for the pilot project, criteria to evaluate applications and quantitative and qualitative measures of the pilot

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project's efficacy.

F. In addition to other requirements and qualifications in the Legislative Lottery Tuition Scholarship Act, a tuition scholarship student who participates in the pilot project shall provide at least two hours per week of community outreach with public school students in the area of the public post-secondary educational institution or tribal college the student attends. The community outreach shall consist of:

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

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

- (1) students in their first program semester shall partner with a community-based organization to assist it in community outreach or specific community-based projects;
- (2) students in their sophomore and junior years shall mentor students in grades kindergarten through twelve; and
- (3) students in their senior year shall mentor freshmen college students.

H. If a tuition scholarship student who wants to participate is unable to perform the community outreach service

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during the school year because of class load, work requirements or other reasons, the student volunteer may volunteer for an approved community outreach project that will be available for the student to participate in during semester breaks or the summer for a total of at least thirty-two hours.

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

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

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

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