

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: CS/HB 50

49th Legislature, 1st Session, 2009

Short Title: American Indian Post-Secondary Education Act

Sponsor(s): Representative Ray Begaye

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**HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 50**

Bill Summary:

CS/HB 50 amends the *Higher Education Department Act* to create an American Indian Postsecondary Education division within the department.

- CS/HB 50 creates the *American Indian Post-Secondary Education Act* to:
 - require the Higher Education Department (HED) to consult with tribes, Bureau of Indian Education high schools, and tribal colleges when adopting rules to carry out the act, and may enter into memoranda of understanding with them for data collection and other matters related to implementing the act;
 - provide that the duties of the new division regarding Native American students, public postsecondary institutions, and tribal colleges are to:
 - develop and implement policies that improve student postsecondary success;
 - assist institutions and tribal colleges to develop and evaluate recruitment and retention strategies for those students;
 - seek funding to help institutions and tribal colleges to develop support services that increase Native American enrollment, retention and graduation rates;
 - develop a system for consistent data collection and sharing;
 - conduct outreach to tribes concerning financial aid for Native American students; and
 - through its director, serve as liaison with the Public Education Department (PED) Indian Education Advisory Council;
 - require each public institution to submit an annual American Indian postsecondary status report, and allows HED to enter into agreements with tribal colleges to do the same to provide data regarding student recruitment, retention, attrition, remediation needs, graduation rates and degree types, financial aid information, and annual goals and objectives of Native American education programs, including participation in graduate programs; and
 - create a non-reverting American Indian Postsecondary Education Fund to be administered by HED, from which grants may be made for special projects related to recruitment, retention, and graduation of Native American students.

Fiscal Impact:

CS/HB 50 does not make an appropriation.

HED stated at the House Appropriations and Finance Committee hearing on CS/HB 50 that it is able to begin implementing CS/HB 50 without additional funds.

Issues:

HED states that the creation of an American Indian Postsecondary Education Division will create a presence in the department to facilitate successful state initiatives, coordinate with PED, and report to tribes regarding Native American college student recruitment, retention, graduation, and financial aid.

- Data currently available indicate that Native American students, who participate less often and less successfully in higher education than others have needs that must be addressed. For example:
 - studies by the Office of Education Accountability show that, as a group, Native American students are poorly prepared for college; since 2000, two-thirds or more have taken remedial courses during their first semester of college;
 - HED data show that, although Native Americans represent approximately 10.5 percent of the state population, only approximately 9.0 percent of students in public postsecondary institutions in New Mexico (including tribal colleges) are Native American;
 - HED observes that these students enroll disproportionately in two-year programs, and they are greatly underrepresented in graduate and professional programs, pointing to the need for initiatives to address transfer from two- to four-year institutions; and
 - HED data also show that Native American students are less likely than others to complete a postsecondary program, receiving only 6.5 percent of certificates and degrees awarded. The rate of completion for Native American students decreases at each level of study, from approximately 10 percent of associate degree and certificate programs to approximately 4.2 percent of all doctoral and professional degrees.

According to HED, the *Indian Education Act* requires PED to coordinate with HED to facilitate the successful and seamless transition of Native American students into postsecondary education and training, and directs the PED Assistant Secretary for Indian Education to develop a plan to establish a postsecondary investment system for tribal students.

- HED points out that current law is silent as to HED's role in these efforts, although it is already coordinating with PED, as well as working to integrate tribal colleges with the public higher education system.
- Both HED and PED point out that the creation of the new division within HED would parallel the structure of PED's Indian Education Division, and would provide opportunities for collaboration to promote success for Native American students.

Related Bills:

HB 49 *Tribal Colleges in Dual Credit Program*

HB 709 *Lottery Scholarships for Tribal Colleges*

HB 740 *Dual Credit Program for Additional Students*

*SB 196a *State-Tribal Collaboration Act*