

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 283

51st Legislature, 1st Session, 2013

Tracking Number: .191898.1

Short Title: Tribal College Dual Credit Program Fund

Sponsor(s): Representative James Roger Madelena and Others

Analyst: Travis Dulany

Date: February 19, 2013

Bill Summary:

HB 283 makes an appropriation to “compensate tribal colleges” as provided in higher education law for “foregone revenue due to the waiver of tuition and fees by tribal colleges for high school students participating in the tribal college dual credit program during the preceding school year.”

Fiscal Impact:

\$500,000 is appropriated from the General Fund to the Tribal College Dual Credit Program Fund for expenditure in FY 14. Unexpended or unencumbered funds revert at the end of FY 14.

Fiscal Issues:

New Mexico’s dual credit program allows high school students to take courses offered through a postsecondary educational institution and earn credit at the high school level and the college level simultaneously. Statute governing the program provides that the:

- school district, charter school, state-supported school, or Bureau of Indian Education (BIE) high school is to pay the cost of the required textbooks and other courses supplies for the postsecondary course for which the student is enrolled;
- public postsecondary educational institution or tribal college that participates in a dual credit program must waive all general fees for dual credit courses; and
- Higher Education Department shall revise procedures in the higher education funding formula to address enrollments in dual credit courses to encourage institutions to waive tuition for high school students taking those courses.

Legislation that included tribal colleges and federal BIE high schools in the state’s dual credit program was enacted in 2010 (Laws 2010, Chapter 36). While this legislation expanded the opportunities for participation in the dual credit program, it also created the need for new administrative procedures, particularly with regard to tuition reimbursement.

Statutorily and constitutionally established, state-supported higher education institutions receive reimbursement for their dual credit students through the higher education funding formula; however, because tribal colleges are not funded through the funding formula, a different method for reimbursing tribal colleges that waive tuition for dual credit students was necessary.

During the 2012 regular legislative session, legislation was enacted that created the Tribal College Dual Credit Program Fund (Laws 2012, Chapter 44), which was “to be used only to compensate tribal colleges for the tuition and fees waived” to allow high school students to attend tribal colleges pursuant to the dual credit program. Although the fund was created, no appropriation was made to the fund for FY 13.

Committee Referrals:

HEC/HAFC

Related Bills:

HB 28 *Lottery Scholarships at Tribal Colleges*

SB 303 *Tribal College Dual Credit Program Fund (Identical)*