

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 139

51st Legislature, 2nd Session, 2014

Tracking Number: .195874.1

Short Title: Tribal College Dual Credit Program

Sponsor(s): Senator John Pinto and Others

Analyst: Travis Dulany

Date: January 30, 2014

Bill Summary:

SB 139 appropriates \$1.5 million from the General Fund to the Tribal College Dual Credit Program Fund for expenditure in FY 15 and subsequent years to compensate tribal colleges for forgone revenue due to the waiver of tuition and fees by the tribal colleges for high school students participating in the dual credit program during the preceding school year.

Fiscal Impact:

\$1.5 million is appropriated from the General Fund to the fund for expenditure in FY 15 and subsequent fiscal years. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert.

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 course 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.

Similar legislation was introduced in the 2013 legislative session, but did not pass; however, the *General Appropriation Act of 2013* included \$100,000 to the Policy Development and Institutional Financial Oversight program at the Higher Education Department (HED) “to implement the tribal college dual credit program.” According to a bill analysis by HED for similar legislation in this session, Diné College, Navajo Technical University, and the Institute of American Indian Arts currently offer dual credit courses; the Southwestern Indian Polytechnic Institute will offer dual credit in academic year 2014-2015. HED reports that the department is receiving data from the tribal colleges that currently offer dual credit, but the cost of tuition reimbursement is not yet known.

Committee Referrals:

SCC/SEC/SFC

Related Bills:

SB 3 *Tribal College Dual Credit Program Fund*

SB 158 *Dual Credit Program Parity*

SM 23 *Tribal College Lottery Scholarship Exclusion* (Identical to HM 37)

HM 37 *Tribal College Lottery Scholarship Exclusion* (Identical to SM 23)